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BRITISH WORK IN INDIA

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BY

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BRITISH WORK IN INDIA.

CHAPTER I.

THE WORKERS.

THE intention of this book is not so much to give a historical account of the past as to show how the British nation stands, and what there is for it to do in India now. On the one side we hear orators cry, "Crush! By the sword the empire was won, and by the sword it must be held." On the other, we hear men cry, in the name of holy freedom, "Retire: India for the Indians! Stand aside, and let the people of the country work out their own destiny!" Meantime, while politicians are debating, sometimes wisely, sometimes foolishly, thousands of workers are busy with their daily tasks, living and dying, spending their strength and health

and the prime of their life in heavy toils, noted by few and soon forgotten. To some are allotted the rifle and cannon, sword and lance. They stand on guard that their brethren may do their peaceful tasks in peace. To some it is given to curb oppressors, robbers, and evil-doers; to prevent riots; to protect the honest and peaceful in the enjoyment of their own. To some it is given to judge between man and man, upholding the law. Some let in light by spreading knowledge; or cause wealth to spring up by opening communications, manufactures, or mines. On every side, in offices under Government, and still more in private enterprise, British workers are to be seen in India, doing various kinds of work, all busy. Are they doing good? Are they doing as much good as they might do? As a humble worker in the field, the writer thinks he has a few practical suggestions to offer, which, if there is anything in them, might guide all this throbbing energy into more profitable channels, and get more good out of the stream of life-blood, that most precious of her gifts, which Britain pours out on her great dependency. These suggestions are more especially directed to the work of the Government, which suffers from two troubles — viz., the want of personal interest on the part of most workers, and in-

creasing interference with the work by persons who know little about it.

As the British worker in India grows older, he begins, if he is at all given to thinking for himself, to look beyond the narrow groove of his daily routine, and to realise that it is in his power to be an explorer and a pioneer, opening up new fields of labour, new resources for his own people and for the peoples of India. As an explorer, the author offers the observations which follow, in the hope that, amid the many errors and defects that they are sure to contain, some thoughts may be extracted from them which may be useful to future explorers.

CHAPTER II.

STATESMANSHIP.

THE work of the statesman, like that of the engineer, to a great extent consists of the knowledge and study of forces. He has to know the materials he is dealing with; to understand the forces that are in them and act on them; and to know in what directions those forces act. He has to determine what tendencies ought to be encouraged, and what ought to be checked; and he has accordingly so to place the materials, so guide the forces, that the results shall answer his wishes. Above all things, he must recognise the limits of his power, and not go beyond them. For the British statesman in India this caution is especially needful. At home, his powers are limited, being dependent on those he governs; before the eyes of the oriental despot, who, with all his nominally absolute

power, has to conciliate the opinion of his subjects, the limits on his power are, less obviously but just as really, kept by circumstances. But the British ruler in India is not checked by the opinion of those he governs, and therefore needs caution against acting as a despot. For though he is not tempted in the same way as the oriental despot; though as a rule his hands are clean and his intentions honest, and he knows that the nation he represents wishes to do well by the people over whom he has been placed, he is not wholly free from snares.

There is ignorance of the people, and this ignorance, which in men on the spot is by degrees corrected, acquires undue influence from two causes—viz., the too frequent interference in Indian affairs of English politicians, and the centralisation of power in India. As to the former, the Englishman whose experience is gained in English society feels contempt for those who cannot boast of experience in his own special field. True, the Anglo-Indian is only a fellow-countryman who has moved into another field and gained experience there; but the Englishman holds to the opinion that his views are the broad views, and that those of the Anglo-Indian, though perhaps formed after a careful study of different facts, are, if opposed

to or different from his own, but narrow prejudices. The Anglo-Indian returns the compliment, and, failing to see the underlying principle in the opinions of the Englishman, attributes any difference to the latter's ignorance. So these two tilt at one another, like the valorous knights of the fable, about the colour of the shield; and before the English politician, who is one of the courtiers of the British nation, master of India, the Anglo-Indian must go down.

As to the second cause of ignorance, the concentration of power at the headquarters of large provinces in the hands of a few men stirs up in their minds a passion for uniformity. Everybody is expected to do what every one else is doing, and no one is to be singular. Now there is, in the East especially, a great tendency among subordinates to flatter the man who wields power, agreeing with all he says, reasonable or unreasonable, making little of objections, and seeking to carry out his will in all things. They hold up, as it were, a mirror before them in which he sees reflected his own thoughts and wishes. This holding up of the mirror is not unknown even in England, where the people wield the power, and the result is a fancy picture in the mind of him who thinks he sees, very

far different from the reality. The fancy picture is not likely to be blurred by the peoples of India, whose instinct is to screen themselves behind the mirror, and show the master what they think he would like to see. One of the great difficulties felt by the searcher after truth in India, especially if he be a European, is this insincere complacency; and when, as is the case now in India, the ruler is separated from the ruled by distance, and his knowledge of facts is derived from summaries and averages, he is apt to become impatient of such facts as do not fit in with what he knows, or thinks he knows already, and of such opinions as are not in accordance with his own. Where, also, the single ruler has to do with such masses of people, to perpetuate mistakes is easier than to set about attempting to correct them; and they are thus carried down by tradition.

To this ignorance may be added the evil influence of what is known in England as red-tape. What the office does is perfect; what it omits to do is of no importance; and what it is pleased to ignore has no existence. The subservience demanded by English politicians, the centralisation of power in India, and the deadening influence of red-tape, have caused the British rulers in India to do or omit many acts which,

with a better knowledge of the facts, they would not do or omit.

The statesman needs more knowledge and closer contact with his materials, and statesmanship should have in it more of mind and less of the machine than it now has.

CHAPTER III.

THE PEOPLE.

THE statesman who has to reckon up his forces; to decide what he will do, and on what means he can count for doing it, looks on the people, studies the people—the men and women living in the State—at once his problem and its solution. The will, the energies of the people, form the forces which, according as they are guided in harmony for good purposes, or get into confusion and clash, give the State prosperity or weakness. Before we consider British work in India, we must form a distinct idea of the peoples of India among whom it is to be carried on. To hear some politicians talk, one would think that it matters little what the people are like, so long as they have good institutions. The magic spell of the suffrage or the representative assembly can transform the peoples in India into a second edition of the people in

England. In the opinion of others, again, the people are well enough without institutions. Both sides are, in a way, right, and both are wrong. The people are the material, and the institution is the shape. For the making of a good steel sword we need good material, and we also need a good shape. The civilised society is the shapen material. We must suit the shape to the material if we are to have a successful result. Let us, then, learn about the people, before we begin to say what is good for them. Before entering on a study of the peoples of India, it will be profitable to call to mind of what stuff and in what shapes are the people of Great Britain. The British nation have got so much accustomed to themselves that they sometimes forget that all the world is not like them.

It is undoubtedly the stuff of the people that has determined their shapes, rather than the shapes that have made the stuff. Of what stuff, then, are the British people? There is in the Bible a famous passage where St Paul, to explain the meaning of faith, quotes instance after instance, taken from the history of his race, of acts of faith. We will imitate this, not out of a spirit of bravado—for other nations, too, have their roll of fame, and the British nation are not all heroes—but simply as the best way of illustrating the qualities which

have gone to the building up of the British nation. In the first place, then, they are tough, very hard to break or beat. Their hardest wars have been with one another. On the field of Agincourt, and in the wars of Spain, British arms faced and beat enormous odds; British armies broke the power of Napoleon at Waterloo, and clung to the trenches at Sebastopol; a few clerks at Madras rallied under Clive and gained for Britain a new empire; one small British garrison held Lucknow to the admiration of the world, and another defended itself in Arrah against fearful odds. The same dogged pluck has carried men of the same race through desperate struggles in America and Africa. On the sea history rings with the exploits of Drake, Blake, Nelson, Collingwood, Benbow, and other naval heroes, who reached fame through the noble stuff of their captains and crews. On sea and on land, in great armies and in small detachments, before the eyes of the world and in lonely corners out of sight and hearing, the men and women of this people have shown the stuff they are made of.

Then, again, the British people are strong in their devotion to duty, to law and order. A whole regiment went down in its ranks with the Birkenhead, while the women and

children were sent ashore. The small band of colonists who landed at what is now the great city of Melbourne began by electing a magistrate. All round the British coasts lifeboat crews risk their lives in every storm to save their fellow-men; rescue-parties for the same object carry their lives in their hands down the coal-mine after an explosion; missionaries go out, most of them to discomforts, many to danger, some to death and martyrdom, to spread their faith; captains every year go down with their vessels sooner than leave while there is any one else on board; the records of the Victoria Cross, Albert medal, and Royal Humane Society teem with accounts of devotion to duty. Europe, America, Australia, Africa, and the whole world can tell of it.

Again, the British people are adventurous, seeking to extend knowledge, to improve and to acquire. To the North Pole, with its frost and darkness; to Central Africa, with its malaria and heat; on the mountains and seas, and in the forests, wherever there is danger, there swarm the men of this race. They have railways, canals, roads, harbours, tunnels, bridges, steamships, factories, mines, and institutions of all kinds for gaining profit; drainage schemes, water-works, gas-works, and all means of convenience and health; schools, colleges, libraries,

churches, museums, and all means of spreading knowledge.

Again, the British people are mutually helpful, as is shown by their charities, hospitals, lifeboats, and benevolent institutions of all kinds.

Thus the British people are tough, devoted to duty, adventurous, and helpful to one another.

Now, let us see how they were shaped. First, by such pounding as would have shattered less tough material; pounding by one another, and then on all the anvils of the world. The pounding by foreigners has welded them into a solid mass, which can resist all attempts to crush or break. The need of union to meet the foreign foe forced on strong and equal parties peace on honourable terms for both, in place of the mutual pounding of earlier days. Good laws and just courts were established to settle differences. The right of every man to enjoy his own was recognised; and where authorities were necessary, those authorities were chosen from among and with the approval of the local people. From these and other safeguards it came to pass that each person in the British nation has been brought up in an atmosphere of freedom, can enjoy his own goods and go his own way without fear

or hindrance. The great treasure of the people has indeed been this freedom, which, though threatened with dangers, it will no doubt be able to defend as doughtily against mobs and demagogues as of old it did against foreign and domestic tyrants.

Then what a number of leaders, teachers, and guides this free people needs! How it organises itself in every part! Look at the army of clergymen, teachers, lawyers, and doctors it employs to look after its body, mind, and soul. Then every parish has its vestry; every county and town its council; every trade its union; every constituency its two or more political parties, each with a meeting-place, office-bearers, and often a newspaper of its own. There is a club or society to forward every view, to carry out every benevolent or political purpose, to conduct all sports or games, to keep up the discipline of every profession; and companies are formed for trade or manufacture. What more shall we say? From the crown to the beggar on the street, the people is organised. It is an organic being, jointed and strung together, living as one, with a mind to think, a heart to feel, and hands to do. It needs no control from without, for it is a law unto itself. It makes, respects, obeys, and enforces its own laws, and in this work all have to aid, since the

law is the best guarantee for the freedom of each. Its institutions are innumerable. It is made up of institutions which cross one another and are interwoven in every direction—the signs, not the causes, of its life. The body is knit together with a close network of communications, roads, railways, canals, rivers, and harbours, enabling people and goods to be moved about freely. The people have a common language, race, manners, customs, and history.

And finally, it is animated by a great life-principle—the fear of the Lord. This is the greatest factor in the shaping of the British nation. From childhood to old age, the British people are taught that over all, knowing, loving, guiding all, is an "almighty and everlasting Father, Maker of all men, Judge of all flesh,"—who looks upon all men as His children; whose command is to love Him and love our fellows; who has taught that the highest law is that of love, harmony, or charity; and who requires men to show their love by obedience to this highest law; who is present with every one of His creatures, ready to hear the feeblest prayer, to help the weak and distressed, needing no interpreter to approach, no sacrifice to propitiate Him. The fear of the Lord implants in the people one by one a sense of duty and honour, which enables them to defy

all dangers, even death itself, and overcome all difficulties. It inspires a loving reverence for God's creatures, which at once restrains from cruelty and oppression, and urges to protect the weak and help the helpless. Some say that the religious faith of the British people is dying out, doomed to give place to a better. This may be so, or it may be that the new faith, when it comes, will be but a shadow of that we have, to vanish with it. There are hypocrisy, indifference, hostility; but all these are the dross which is mixed with the fine metal in the ore. When the change comes, if it is to come, new institutions will be wanted; for the life of all the great British institutions in the present day is the fear of the Lord.

Now we turn to the peoples of India. How is it possible to convey to the British reader a true understanding of the stuff they are made of and the shapes they take? We must begin by a confession of ignorance about them, which ought to disqualify us for any attempt at description, but for the fact that this ignorance is widespread, and not fully recognised or admitted. If it had been the custom to publish maps of Africa full of imaginary details which were known to be untrue, or not known to be true, he would do a real service to the cause of truth who should wipe out all these details,

even if he were not able to put in a single line in their place. Now there is no doubt that the ordinary Briton carries in his mind a picture of the ordinary natives of India which he does not know to be true. He dresses them as an old master used to dress the wise men of the East, or Pharaoh's daughter, in the clothes of his own time and country. It will be necessary to smudge out some of these pictures, even if true pictures cannot be painted in their stead; and this can be best done by giving a negative description of the peoples of India, and showing not so much what they are as what they are not. The description, it may be well to explain, applies more especially to the province of Lower Bengal, with which the author is acquainted. This is the part of India from which come the loudest demands for reform, and therefore it deserves to be looked at with special interest. As the richest and most populous of all the provinces of India, and the one which claims to be the most enlightened, it may be looked on as possessing great importance.

The people, in the first place, lack the fighting power of the British. There are some races in India, such as the Goorkhas, Sikhs, Pathans, Rajpoots, and others, which are as warlike as any in the world; but the natives of the province of Bengal are not of them.

This is the province which, with seventy million inhabitants, supplies few if any soldiers for the army. The fact may be mentioned, since the Bengalis have sometimes called themselves the Scotch of India; and in this important point, at least, the comparison does not hold good. Of the Bengalis, a Mussulman speaker said that they hide under the table at the sight of a bare steel blade; a bearded man among them thinks no shame of lying down and howling if he is struck; they fall back in heaps over one another if the drunken sailor whom they are jeering turns on them. To give them their due, they have great powers of endurance, and quietly run risks that an Englishman would shrink from. They face the risk of death or disease with indifference, and without making any great effort to escape. It would seem that they want the instinct of resistance. If they can flee, hide, propitiate, they do it—they will not resist or attempt to drive off; and as a compensation they have a largely developed power of passive endurance. Now this is an important thing to remember, for in such a community the members cannot be trusted to resist oppression, nor to wield power temperately and with consideration. Cowards are proverbially cruel. In such a community, the same value is not put on freedom, and the

same sacrifices will not be made to win or preserve it, as in the British nation.

The next picture that has to be smudged over is the British idea of what a man is in India. The great Scottish bard stated what in British eyes was a truth so obvious and commonplace as to be hardly worth telling, when he said—

"A man's a man for a' that."

But this is simply to Indian minds not a fact. The two great divisions of men in India are the Hindoos and Mussulmans.

To the Hindoo a man is not a man, but a member of some Hindoo caste, or else is one of some other order of beings. Caste is divided from caste by impassable gulfs, the men of some castes being reckoned as gods, and of others as no better than beasts. The caste is not like the trade-union, for the workman in England is brought up as one of a single community. When he grows up, he adopts the trade he prefers, and out of working hours he still belongs to the single community. The Hindoo member of a caste is born in his trade, and must die in it. He must marry in it, eat and drink in it, and in fact live in it apart from others.

To the Mussulman, believers are brothers—and so far the creed of the Mussulman is wider than that of the Hindoo; but all who are not Mussul-

mans are beyond the pale of humanity, whose blood would be a pleasing offering to God. The Indian Mussulmans, too, have caught, or more probably never lost, the narrow caste prejudices of the Hindoos, from whose religion many of them were in former days converted. The British faith that "all nations are of one blood" is not commonly held in India. Again, while men in India do not belong to one great sensitive body as do the people of Britain, each of them is attached far more closely to the more limited body of which he is a member. We cannot imagine the ordinary Hindoo or Mussulman going off into the backwoods, building himself a house, clearing a farm, and living a lonely yet contented life with his wife and family. The Englishman is a man first, and a member of society afterwards; the native of India has hardly yet grasped the meaning of "man"—he is only a member of society. He does not understand, value, or seek

> 'he glorious privilege
>)f being independent."

The bond which attaches him to his caste or the society to which he belongs is too great to be broken without a shock. In most cases where the bond is broken, the person detached is shattered. The bonds of religion and of society seem

to bind the member of the society so close that he cannot live when detached. Every man belongs to some comparatively small body, which has its own joys and sorrows, its own hopes and fears and interests, and cares little or nothing for anything outside. Until these smaller bodies are broken up and destroyed, or their whole nature changed, there can be no hope of the formation of that great single body, thrilling with the same joys and sorrows, the same hopes and fears, feeling in every part what touches any, which in the Englishman's mind, and there alone, exists as the "Indian nation."

Again, nearly all classes and religions in India unite in degrading their women. Neither Hindoo nor Mussulman will trust his women outside the zenana; and within it there is suspicion, with its handmaid deceit. If all tales be true, the atmosphere of the zenana, in which native children are reared, is an atmosphere of trickery and intrigue, of falsehood and impurity. When such is the case, "honour" has to Indian minds a different meaning from what it has to English. The touchstone is not so near the heart. Men think not so much of God and their conscience as of what the neighbours will say.

Again, setting aside the Mussulman religion, the common key of the Hindoo and ordinary native religions is that they are all more or less

religions of fear. Men have to propitiate gods or Bramins in whose justice or benevolence they have no confidence. The Mussulman has a higher ideal of God, but even his religion is wanting in that broad element of love which, embracing believers and unbelievers alike, is the living principle of the Christian religion. Thus there are, among the natives of India, certain wants which make them different from the British nation. They want a uniform fighting power, unity, independence, honour to women, and love in religion. It is necessary, with such differences in material, to study carefully the shapes or institutions that are best adapted to make it useful. A slavish imitation of British institutions would most probably end in failure.

CHAPTER IV.

FREEDOM AND GOVERNMENT.

THE general guiding principle of the British nation in India being, as all agree, the welfare of the peoples of India, we must begin by determining their real nature. Are the defects pointed out in the last chapter caused by circumstances, and capable of remedy, or are they permanent? This is a question that might be argued till doomsday without either side being proved. It can only be solved by experiment, and the experiment must be begun by assuming the truth of one side. As the experiment is to be made by the British nation, the assumption must be in harmony with the faith of the British nation, which is that there is no man, woman, or child, however low in the social scale, who cannot be cleansed, strengthened, and raised. In the words of the great Scottish bard—

"It's comin' yet for a' that,
When man to man, the warld o'er,
Shall brothers be for a' that."

The British nation, then, has to break down barriers, and to promote brotherhood among all the various races and communities in this vast land. The task is a mighty one. How is it to be accomplished? The key to this great task is a great word—Freedom. If ever the weak are to be strengthened, the strong restrained, the ignorant enlightened, the listless interested, the lazy made active, the spendthrift made thrifty, the coward made brave, the brave made merciful, —if ever the barriers of caste, religion, race, and custom are to be cleared away, and the reign of brotherly love established, it must be by freedom.

"Ah, freedom is a noble thing!
Freedom makes men to have liking.
Freedom to men doth safety give;
They live at ease who freely live!"

A hackneyed quotation! Yes, because it has sunk deep into the heart of the nation. All down the history of the British Isles this cry of freedom, the praise of freedom, has been on the lips of the people and of their organs of expression, the poets, orators, and writers, carried on from century to century, because it came from their hearts. This most precious heritage, to guard which they have freely spent their

blood and treasure,—this Palladium of all their rights,—this is the gift which the British nation seeks to bestow on every human being who touches British soil,—this gift it wishes to bestow on its millions of brethren in India.

"Freedom makes men to have liking."

It gives them a relish for life, makes them brisk and busy, thrifty and self-respecting. There is need of courage, and wisdom, and energy to pursue it. It is not a gift that can be given without trouble, nor can the coward or the fool keep it when he has got it. What then? We believe that cowardice, folly, and all such defects can be cured. Freedom is health; and it is the heavy but noble task of the British nation to restore to health the suffering peoples of India.

The British nation, as ruler of India, having determined to give freedom to the peoples of India, how is it to set about the task? By retiring, say some, and leaving India to settle its own affairs. Such an action, as will be seen by-and-by, would not make the peoples of India free. It would merely deprive the British nation of any opportunity of doing the work. Therefore the British nation must remain ruler of India.

The first condition necessary for freedom is order. Now there are two ways of keeping order—either to enforce order, or to prevent

disorder. These two ways, in appearance so similar, are as widely different as despotism and freedom. The former means perpetual drill; the latter, freedom protected from attack. Men should do their own business without interference as far as possible; and the State should never interfere, unless to stop disorderly conduct which causes injury to others. God's one command to Adam in Eden was a prohibition. All but one of His six commands given for the guidance of men in their dealings with men begin with the words "Thou shalt not."

We want, then, an effective will, able to prevent disorder, and forbearing as far as possible from interference with men's freedom.

In England this has been brought about by the introduction of a system of self-government. The governed choose their rulers, and obey the rulers of their choice. As there are many who think the same system can be introduced in India, we may shortly consider how this system arose in England. It is to be noticed, in the first place, that no foreign Power exercises any control in the British Isles. They are self-contained and independent. The only effect foreigners have had on the people of the British Isles has been to unite them more closely for the purpose of resistance. This independence enables them to have a will of their own.

Again, the people have, roughly speaking, an equal fighting value in all parts. Celt, Scot, Pict, Saxon, Angle, Jute, Dane, Norseman, and Norman battered and crushed each other until nothing but hard grit remained in the nation; and when it came to fighting, if both sides were equally in earnest, numbers gained the day. Cornwall or Yorkshire, the Scottish Highlands, the wilds of Galway, or the streets of London, no matter what part of the country it was, could send forth its band of stout fighting-men, able to make its voice heard and its opinion respected.

Now the old custom, when there was a difference of opinion, was to fight it out. The will of the side that was found to be the stronger would then prevail. To modify this old custom several influences acted. The first was the need of all the forces of the nation to meet foreign foes. The dreadful destruction of the national forces caused by intestine fighting became apparent, and efforts were made to prevent this destruction and preserve the national forces. Then the Church was constantly at work in the cause of peace, and its influence was all-pervading, since all the people had a common religion whose principle was love. Again, among the ancient customs of nearly all the races that made up the British nation was one by which the people assembled and were consulted. Based on the

fact that all the people were of equal fighting power, a system sprang up the main principle of which is the vote. The leaders of the nation are carried into its great council no longer by the spears but by the votes of the people. But now, as formerly, the vote is worth exactly the fighting force behind it, and no more. The force, like the bank reserve of cash, is latent, while words and paper do its work; but the words and paper cease to have any effect unless there is the force behind them. To find proof of this we have only to go back to the American civil war, when the party beaten at the poll contested the right of the winning side to impose their will on the country by an appeal to arms. The only difference now from former times is that we count heads instead of breaking them. Every great political contest is a symbolical war, in which victory by agreement goes to a majority of the combatants, and this agreement exists because the people are everywhere of equal fighting value.

The will thus ascertained is intrusted for execution to the leaders of the majority, in whom the majority has faith, and who may be supposed to believe in the principles that are to be acted on. They control the whole machinery of Government, and are responsible for it. The navy, army, police, civil service,—everything

is under their hand. Thus the single will has been secured, and can be executed, because it is the will of the majority, and intrusted for execution to the leaders of the majority. There is no earthly power except the people of the country themselves that has any right to control the majority of their representatives.

Turning now to India, we have to see how far this system of government by vote exists there.

There, as elsewhere, we find a prevailing will, under which the people are united. India is, however, an Eastern country, and, as in all Eastern countries, the will of the people is not, and never has been, expressed by means of votes. We can very well see how it is that in India the vote has never been, and could never have been, a practical way of ascertaining the effective will of the country. In the first place, the people are not of equal fighting value. Bengal with its teeming millions might outvote the Punjaub, but it could never turn out and fight for its will against the Punjaub. To the people of Bengal the vote would be a cheque-book with no effects at the bank. Then the Mussulmans, who ruled the country till shortly before the British took it over, would never have agreed to be bound by a majority of votes, when the Hindoos outnumbered them five or six fold, and the Hindoos were evidently un-

able, numerous though they were, to impose their will on the Mussulmans. Then, among the Hindoos, the high-caste Bramin would never have consented to the low-caste sweeper casting an equal vote with himself, nor would the warlike Rajpoot value his vote at no more than that of the greasy oilman. There was never, in a word, that evenness of texture which enables us to measure fighting force by votes as we do wealth by money. No large community ever agreed to abide by the will of the majority except the Christian communities of Europe and their offshoots. The vote is only accepted when the way has been prepared for it by Christianity. In India, as in all Eastern countries, the prevailing will has always been expressed through a despot or master. He makes the laws; what he bids is right, and what he forbids is wrong. He can do what he will with any of his subjects. Yet, with all this want of check, there are bounds which the despot dare not overstep without risking his crown and life. He must have sufficient force at his back to make his will prevail, and he must act so as not to rouse against himself a stronger force than that which he has to support him. In Eastern countries, India among them, the normal state of the great masses of the people is a passive state. Their wills are dormant, their force is asleep. With them, the master is he who has succeeded in rousing into

activity a sufficient amount of force to bear down any active force which may be in opposition. The active forces for or against the despot are commonly but a small proportion of all the force in the country, unless the despot has made himself very obnoxious. We hear tales of cruelty and oppression, but these are very often tales of weakness. The despot has to watch for and destroy all rival forces which in this chaos of sleeping forces may arise, since his own supporters are not many, and may be outmatched if his rivals are suffered to make head. The despot gains his throne in no scientific or constitutional way. He is simply strong enough to take it, and there is no one strong enough to turn him out. It is a position of this sort that the British nation holds in India. There is no one strong enough to turn us out. But the British nation differs in one way from all other Eastern despots, in that it has an overwhelming reserve of power at its back. There is no force in India that it need fear; and therefore there is no need for the British ruler to watch for and crush rival forces. On the contrary, the policy of freedom requires that the British nation should awaken those dormant wills; arouse into activity, organise and direct for good purposes, those sleeping forces among its many millions of subjects in India.

This is not to be done by merely withholding

our hand. The pictures of the dumb millions of India writhing in their agony, with the cruel British gripe on their throat, longing to be free; of the huge masses which, ready to move together, can, by the force of numbers, sweep the British into the sea—pictures drawn to impress the British public,—are imaginary and false. The "dumb millions" ask for peace, and not independence; and they are not likely for some time to come to move anywhere, or to move together for any purpose, least of all for that of sweeping away their best friends and protectors.

Vast numbers, great masses, may mean anything or nothing. A few pounds of iron or lead make a more dangerous missile than tons of loose sand; and to get up a scare because Bengal has seventy million inhabitants is about as reasonable as to make a sensation because 100 cubic miles of water fall on its surface every year. The weight of our task in India is to raise up, not to hold down; to keep our power, which is ample, pure from misuse by sycophants; to save our good name from being tarnished by the misconduct of unworthy agents. Our power has to be used for freedom and good, instead of for tyranny and evil; and so shall the British rule in India be strengthened beyond possibility of overthrow.

CHAPTER V.

BONDAGE.

As the most interesting study to the physician who is to restore the health of a patient is that of the diseases or defects from which the patient suffers, so for him who would give freedom to a people, the study most essential for success is that of the bonds by which they are held.

All men are bound or tied. They can no more exist without bonds than a tree can live without roots. Freedom means not the absence of all bonds, but the destruction of bonds that are evil and the strengthening of such as are good. If we go below the surface into the heart of the matter, the influences that control man are found to be two—love and fear. He is attached by his faith to certain objects, and these objects, through the medium of his faith, inspire him with love or fear. He cannot either love or fear unless he believes. Faith is of

the essence of man's life on every side. On his faith depends every act of his life. The wise man alone may be able to reason, but the most foolish can believe. The objects to which a man is attached by faith shape his conduct; and it is necessary, if we are to meddle with men, that we study their faiths or beliefs—for otherwise, with the best intentions, we may be led into doing harm instead of good.

The world is full of facts, and each human being is placed in connection with some of them by his faith. If he have not this connection with a fact, then, however real or important it may be, for him it does not exist. If, on the other hand, his faith attaches him to that which is false or unreal, for him it is real and true. The true fact may at any time seize on his faith; from the false his faith may be loosened; but it is by faith that a man apprehends—takes hold of—that which he loves and fears, and through his faith, while his faith is attached, the object of it influences him by love or fear or both.

The principles of love and fear are sometimes contrasted together, as if they were good and evil. Love is, no doubt, the nobler, the more lasting, the stronger. It is the principle of harmony or attraction, while fear is the principle of discord or repulsion; and, of course

the highest development of men and of nature, is worked out by love. Yet fear is rather the handmaid than the foe of love. It attaches the faith of a man. When he is asked to love, he may trifle; but when he sees an object of fear, he has no choice — he must believe. Fear deters men from the love of unworthy objects. As love is the positive, fear is the negative guide to goodness. Some who would not be deterred from taking poison by knowledge that they are better without it, may be deterred by the knowledge that it will kill them. Evil itself may induce faith in good, by awakening men, through fear, to the need of protection from itself.

The faith of the British nation in this matter is, that in love or harmony alone is to be found perfect freedom. If all men are to be free, then hate, fear, discord must be banished from among them. What, then, are the faiths of men and women in India? above all, what are the fears that bind them?

The fears or bonds which will be noticed here are religion, the fear of death, and the social bond.

Religion is the bond which connects a man with the being whom he considers the greatest in the universe. Every man has a religion; indeed most men have two—that which they

profess and that which they follow. When a man follows one religion while professing another, he is a hypocrite. We are sometimes told that the great thing in religion is a strong faith, and that it matters not much to what our faith attaches us, so that it be strong. One might as well say that it matters not in what cause a man fights, so long as he fights valiantly. If a man is to do any good in the world, his faith must be strong; but however strong his faith, he cannot hope to have a chance of doing much good unless it is attached to the right object. It is, indeed, beyond the power of man, whose knowledge and strength are small, to judge the faith of his neighbours. Our Saviour Himself has left on record a rebuke which He gave to His narrow-minded disciples when they would have stopped those who were doing work for Him not in their way. Yet we must always remember that the toleration shown by the State for all forms of religion is not because religion is beneath notice, but because religion is too high to meddle with. The religious faith of a man is considered, though of supreme importance both to the man himself and to the community of which he is a member, to be a matter which the State cannot profitably undertake to direct. Nevertheless, since a man's

conduct is mainly governed by his religious faith, the State is bound in prudence to gain a knowledge of what that is in each of its subjects, not with the object of controlling his faith, but in order to know what faith should be placed in him in his turn.

In England the prevalence of Christianity has given the word "religion" a different meaning from that which is used here. To be religious is to be bound by the Christian faith, and to be irreligious is to be free from its bond. The Christian is bound; the irreligious man free. Yet every man has his religion, and the difference between the Christian and other men is a difference between their gods, not the difference between bondage and freedom. The God of the true Christian demands and receives from him obedience, and if we know what the commands of his God are, we know what his conduct will be. He is certain, to use the summary given by our Lord Himself, to love his neighbour as himself. He is certain to be without fear of men, confident in the power and the will of God to protect him from all evil, and sure that God will permit nothing to happen to him except for his good. He is certain to have a strong sense of honour and duty, counting his life, comfort, property but as dust in the balance

against honour and duty. Of such a man we may be sure that he will be a useful citizen. By such men the preciousness of our great heritage of freedom was recognised, and the heritage itself was bravely won and stoutly guarded.

But he who has not the religious faith of the Christian has some other religious faith, which indeed he is free to have, but which yet is not altogether his own private business. It matters to the State as well as to himself, and that quite apart from the question whether the religion is false or true. While his faith holds, the false has as great an influence over his conduct as if it were true, and is as good an indication of what his conduct will be.

There are acknowledged religious faiths, and those which are unacknowledged. The Christian, the Hindoo, the Mussulman, the Buddhist, and others, profess their religious faiths; while the followers of the false gods of the ancient world, avarice, lust, pride, and the other passions, practise their religions without making open profession of them. With these latter we need not concern ourselves. They make no claims for consideration, and deserve none. They should be put down, if possible.

The great mass of the people of India profess the Hindoo and Mussulman religions. For the

most part, there is nothing in these religions which should bring upon them the active hostility of the State. Detached practices and doctrines there are for which it can have no toleration, such as the burning of widows, and suicide before the Jugarnath car, among the Hindoos; and the Wahabi doctrine among the Mussulmans, whom it teaches that rebellion against a Christian ruler is a duty: but, for the most part, there is no necessity for interference with their religious faiths and practices.

As it is necessary, however, to adapt our methods of work to the character of the people, and one chief factor in the making of that character is their religious faith, we must examine the nature of that faith, not so much in the doctrines of the religion as in the fruits which are produced. There are two reasons why attention should be fixed rather on the fruit than on the doctrines. One is, that the State is interested in the religious faith of the people only as it affects their conduct. If doctrine implied conduct, there would be no need of any human law to restrain Christians from theft, fraud, or murder. The Christian religion is not the only one in which practice falls short of precept; and we cannot, therefore, infer conduct from doctrine. The second reason is, that in every society, as men are born and die, and

grow old, opinions change. That which to the father was a reality may seem to the son a sham, and the father's abomination may be the son's delight. In every old religious society there are many who outwardly belong to it, whose faith is nominally its faith; who to all appearance respect its doctrines, and who yet are held in their place by their neighbours, not being themselves attached by faith to the religion of their society, and possibly being hostile to it. Till some great convulsion comes, to shake out all except those who are firmly attached by faith to their professed religion, it is not easy to say whether a man is or is not attached by faith to the religion he professes. He may be placed as if he were, without being, so attached, and then its doctrines have no real hold on him, and cannot influence his conduct. That is influenced not by his professed religion, but by some other religion, or by society. Hence it is safer to look at the fruits than at the doctrine. We can only judge of the working power of a religion by what it does, not by what it teaches. "By their fruits ye shall know them."

The fruits of religion in India which will be noticed here are—(1) ignorance; (2) divisions; (3) Bramin worship; (4) the degradation of women. These may be abuses which are capa-

ble of reform, or they may be inseparable from the systems to which they belong. Anyhow, they are facts to be reckoned with.

We know what an amount of labour and expense is undergone to attach, confirm, and keep alive the faith of the Christian from his youth upwards. The danger alluded to above, of changes in the substance of society, is seen and guarded against. Teachers are set apart, carefully prepared for and constantly employed in the work of catching and fixing the faith of the young.

Now the ordinary Mussulman or Hindoo is not more intelligent, not naturally better, not less in need of teaching, than the ordinary Christian; yet Mussulmans and Hindoos do not get teaching, and grow up ignorant, except that the Mussulman is expected to learn by rote his holy book, the Koran, which he does most often without any notion of its meaning.

The Mussulmans have no trained priests, for taking charge of the people in groups; the Hindoo priests are ill-trained and ignorant, receiving from their fathers their flocks as a hereditary property, and knowing more of the form than of the spirit of their religion. They are needy men, mostly hangers-on of the rich man of their neighbourhood, and ready to be his tools.

The religious professions of ignorant masses made up in this way of blind followers, and blind or careless teachers, are dangerous, and can never be useful to the State. If these professions are sincere, the people who make them are fanatical, and can be played upon by agitators or conspirators; if they are not sincere, they but cloak and conceal the real nature and designs of those who make them. False rumours spread like wildfire, and are believed by people who have a blind religious belief or none at all. It was a false rumour touching religion that started the Indian Mutiny, and false rumours are to this day being freely manufactured and issued by the friends of disorder.

Next we come to divisions. There is the great division between Mussulmans and Hindoos. The Christian is taught by his faith to look on all men, Christians or heathen, as his brethren. The Mussulman is taught to look in the same way on his brethren of the faith, but unbelievers are human beings to be forcibly converted or slain. There are extremists among Mussulmans who deny the right of Christians to their obedience, and who keep up an armed camp on the north-west frontier of India as a standing declaration of war against British rule. If we examine Hindoo society, we find impass-

able chasm after chasm whereby the brotherhood of men is denied; and for all who are not Hindoos, the Hindoo religion has no description but that of demons or monkeys. Through the caste system the Hindoos are split up into many races, practically as far apart as men, cattle, and sheep. The Christian form of government is based on the assumption that men are or ought to be united like one large family, but in India we find nothing but disunion and divisions. The great working power for union in the Christian world is the Church; religion in India perpetuates divisions.

We come now to Bramin worship. This, of course, is a Hindoo institution. The numerous gods of the Hindoos are, unlike the single, all-wise, almighty, all-loving God of the Christians, only exaggerated personifications of humanity, such as were the gods of the ancient Greeks. They are, as it were, the images of men cast on the fog; and about them the most extravagant legends and traditions are taught to the people. There are Hindoos who say that this is because their religion has been degraded; that the Hindoo god is one, and that men are one family, not divided by caste. With this doctrine we are not concerned, since few Hindoos give their faith to it. There is a priestly caste of men—the Bramins—who, unless their own religious doctrines

are true, are a specimen of the length to which sacerdotalism will go, if it gets the chance. In most religious systems, the priest is given high honour and much influence, as the medium of intercourse between the Deity and His worshippers. He is essentially a minister, a servant of God, an agent to do His work among men on earth. Among the Jews a family were set apart from among their brethren. Among the Roman Catholics, who give a very strong position to their priests, the priests are chosen man by man from among ordinary families, and are not allowed to found families of their own. Among Protestant Christians, the priest or minister is allowed to marry and found a family; but he is not allowed any special sanctity himself, and his children are as other men. The Bramins hold themselves out to be a separate race from other men, claiming distinction, not from a Norman Conquest or a Levi, but from a separate creation. Bramins alone can be priests of the gods; through them alone can access to the gods be obtained, or their favour won. More than this, as was to be expected, a Christian would say, with *fainéant* gods, the clever ministers have diverted the faith of ignorant worshippers from their deities to themselves. They leave to the poor and needy among the Bramins the duties of priest or minister, and teach the people to look on a Bramin

as a god on earth; to cherish and worship him; to cringe before his curse; to protect him from injury, even deserved punishment; and to give him their obedience and their property. They have perpetuated and exaggerated the divisions of caste by stamping the very Bramin priest with the caste of those for whom he ministers, so that he can only minister for those of one caste. The Hindoo system has sadly discouraged the growth of common interests in a place, for in a single village there may be half-a-dozen caste priests, while one priest goes round many villages. The priest conducts worship household by household, and his religion does not encourage the assembling of neighbours. Moreover, the priest is under no religious discipline. His flock is his property, with which it would be impertinence to interfere.

It is beneath the dignity of the Bramin to use his hands, except perhaps to cook with. He is degraded by having to do any work except such as implies authority or command. Times are hard for the Bramins, who no longer command, even among Hindoos, the awe and reverence they once received. They swarm in the country, and must work for a living. Year by year Bramins are found to be doing things they would have refused to do before. Bramins used to be masters of the proudest; now they are

dependent on the rich and powerful; and that faith which they have concentrated on themselves, much of which they still hold, is at the disposal of their patrons, to lead the people by, whither their patrons will.

We come last to the degradation of women. There is no need of going into this matter at length as regards the Moslems. With them woman is a plaything and pet, highly valued as such, but without a soul. They shut her up in the harem, and put keepers over her as they would over any other valuable animal. The Hindoos might perhaps take exception to the charge that they degrade women, and point to their traditions of noble and learned women. They do, indeed, often respect and love women. The Hindoo's reverence for his mother is beautiful to see. Still they degrade their women; and the Hindoo religion encourages this degradation. Hindoo women live under a constant suspicion, which is in itself deeply degrading. They are secluded from men; they are not trusted alone with their nearest male relatives; the girl who approaches maturity has to be married for fear she should by incontinence disgrace her family; and for the same fear the Hindoo religion approves of the widow's suicide by burning herself alive on the funeral pyre of her husband, though she should by this insane act of devotion deprive

his young children of their best and truest friend and guardian. The Hindoos may have allowed and approved this cruel practice, not from lack of affection, but out of an extravagant regard for the honour of the woman and of her family. If so, it proves at least that their attitude towards woman was one of deep suspicion, when they considered that she was not to be trusted to live in honour. From the same feeling of suspicion, women have been for many hundreds of years mewed up in zenanas, until they are not fit, and do not expect or wish, to be let out. This does not prevent their having thoughts, and they have to spend their time; but, brought up in seclusion and ignorance, living in an atmosphere of suspicion, the women of India have distorted souls. In place of realities, they see, or think they see, a world outside peopled by their imagination; and the suspicion which surrounds them produces its natural fruits of intrigue and impurity. The women are so much secluded that Europeans see or know little of them. Many of them are certainly beloved by their husbands and sons, and looked on with respect as well as love. It seems all the more a pity that their religion should degrade them, so that they are unable to live that full life of usefulness which might otherwise be within their reach. The degradation of women degrades also

the men, for they emerge from that atmosphere of suspicion, intrigue, and impurity which has been created in the women's quarters, and are strongly affected by it all their lives.

These, then, are all obstacles which religion places in the way of freedom—viz., ignorance, divisions, Bramin worship, and the degradation of women. The State must leave the peoples of India to remove these obstacles for themselves; but, till the obstacles are removed, the people must be dealt with as out of health, and cannot hope to attain freedom.

Having touched on the spiritual bond of religion, we come now to notice the moral bond of society.

There seem to be two great classes of men—those who consider that society is for men, and those who consider that men are for society. The former start from the point of view that a man is complete in himself, soul and spirit, and can live his own life without communication with any man. They look upon society as merely a convenient means of keeping in harmony with one another the various complete and independent lives that are in contact with one another. The latter look on man as a limb of some larger society, which is composed of a section of mankind, and from which to be cut off is to be deprived almost of life itself. The British nation

is a specimen of the former class, and the peoples of India of the latter class.

Religion and society are very closely knit together. It is natural that the relation of a man towards his neighbours should be strongly affected by his relation towards his God. Taking the Hindoo first, we find that all who are not Bramins are taught that the Bramin is essential to their existence, and that no other Hindoo can enter the race of the Bramin or do his duties. The way to make men accept this state of things as natural would be to extend the system over the whole community, and teach every Hindoo to believe that he himself belongs to a class which, in race and occupation, is not merely excluded, but exclusive. This is the caste system, and it springs naturally out of Bramin worship. The carpenter, the blacksmith, weaver, potter, &c., have each his caste occupation, from which others are excluded; while they, in turn, are excluded from all occupations except their own caste occupation. Thus society is not, as in England, made up of a number of separate individual men and women, but is rather the unit of which the men and women who compose it are fragments. The life of the society is not a combination of many lives, but a single life, permeating all its members, without which none of its members can live. Every Hindoo needs

the services of others. At the family shrine of each household the Bramin, who is the family priest, has to come and conduct worship; he has also to preside over the ceremonies on occasions of family sorrow, such as funerals,—or rejoicing, such as weddings and the naming day of children. The barber, washerman, and other village servants must give their services when needed. Then there are the obligations of society. The Hindoo daughter who is not married when she has reached the age of ten or twelve, is impure; so a suitable husband must be found. On every occasion there must be a feast, to which all friends in the caste must be asked. Not to invite any person is an insult, and to refuse an invitation is an insult. Now it will be observed that the Hindoo is greatly at the mercy of society, which means in practice those who lead it. Supposing the Bramin, the barber and washerman, and the neighbours, to be under the influence of some one, that person can withdraw from the Hindoo all the services and the society on which he depends, and without which his life is a misery. That is exactly what happens in practice. Hindoo society is at the mercy of wire-pullers, who control the will of the Hindoos, and work them like puppets.

Many of the Mussulmans in India have formed themselves into societies, which resemble to some

extent the caste system. Perhaps this is owing to the example of the Hindoos, with whom they are mingled; partly, no doubt, it is owing to memories of caste, many of them being Hindoo by descent; and partly to the ignorance by which they, in common with the Hindoos, are oppressed, and which makes it more convenient to deal with bodies of men like flocks of sheep than like intelligent beings.

Under this system of castes or societies the individual man is not able, as in the British nation, to act alone; nor is he free to combine in that great body called by the British the public. If the caste or society be, as some say, the only possible means of managing the people of India,—if it is to flourish on, strong and vigorous as in the past, one dream at least must fade out. That single great nation of freemen of which some have dreamed can never be. To form a great nation of freemen, men must be men, with wills of their own, and not mere parts of great bodies, bound to move with those bodies. A nation made up of castes may be great, but it must be governed despotically. If the rulers of the land, anxious to make the people free, loosen their hold, the rulers of the castes are thereby enabled to tighten their own grip. The people will be less, not more free.

There is one additional social matter besides

that of caste which may be noticed, and that is the position of women. This needs short notice here, since it has already been touched on under the heading of religion. It is part of the British faith that no society can rise in which women are degraded. Degradation of woman means degradation of society. Indian women are not in all probability naturally worse than women in Europe; but they are so brought up and trained that they do not get a fair chance. Their minds are kept vacant by want of education, and want of intercourse with the outside world; their imagination debauched with legends and gossip; their moral sense distorted by the custom of child-marriage, whereby they are bartered away before they are old enough to understand the problems of life; and by the custom of perpetual widowhood, whereby many women grow up without hope, and without honour from their friends — their innocence sullied by the atmosphere of suspicion which surrounds them, breeding impurity and guile. This is the home in which the Indian is born and brought up; to which he retires from his daily duties; the home —to his credit be it said—in which his affections are often centred, and which exerts over him a strong influence. That influence can only be bad, directing his ambitions to false ends, obstructing his progress by narrow prejudices, pre-

venting his enterprises by foolish fears—a fatal obstacle in the path of freedom.

Having looked at the spiritual and moral bonds by which men are held in India, we come now to what may be described as physical bonds by which they are held—bonds, that is, in which their minds do not acquiesce, from which they would fain escape, but cannot. These bonds come under the general description of the fear of death, since the extreme danger, to avoid which men accept these bonds, is death. The two principal objects of fear are hunger and violence. In order to appreciate their meaning in India, let us look at a particular example. The mass of Indians are cultivators of the soil, and poor. We will take the poor ryot who cultivates his little patch of land, and will look at these two dangers from his point of view. Circumstances vary so much in various parts of India that any detailed description of one part would not suit another. It will be enough to say that the ryot generally lives with his family in a village, which, with its lands, is about the size of an English farm; that he cultivates part of the surrounding land, his fields being scattered over the village, interspersed among those of the others, and without fences; that he has to build and maintain his own house, and find his own cattle, implements, seed, and labour. There is

generally a rent to pay, and a landlord to receive it, sometimes a private person, and sometimes the State. He is a member of some caste or society, and has duties—to marry his sons and daughters, to give and attend small feasts, to find expenses for religious ceremonies, to feed and clothe his family, and generally to keep respectable.

The ryot depends for his existence on his land. He cannot, when out of work, go to the towns, because there are none. He cannot give up his land in the hope of getting better land; for the land is filled up near at hand, and he will not face the wrench of separation from all his past, which emigration to a distance would involve. Severe is the pressure for existence where the rural population sometimes reaches 1000 to the square mile. A ryot who loses his fields is in a very bad way.

In former days it was a favour to the landlord to take his land; nowadays there is a fierce competition among ryots for land, and the first fear which attacks the ryot is that he may lose his land. Now the ryot has generally certain definite rights, and there have been in most parts of India strong efforts made by the State to ascertain those rights. Those efforts have in most places left the landlord face to face with the individual ryot, and landlord and ryot

have mutual rights and obligations which bring them in direct contact. The expense of enforcing those mutual rights, and of resisting encroachments on them, is large in proportion to the amounts involved, which are generally petty; and consequently it is in the power of one side to exert, within the law, severe pressure on the other by causing trouble and expense in enforcing or defending rights. The tenants have sometimes the advantage of the landlord, and use it to destroy him. But where, as is most often the case, the landlord has the upper hand, the ryot is obliged to be on good terms with him, and yield to his demands, whether they be legal or not. The consequence of resistance, to the ryot, is most likely to be ruin and the loss of his land.

The next fear of the ryot is the loss of his crops. He has found labour and seed, and sown and cultivated his crops; he has fed his cattle, fed and clothed his family, kept his house in repair, all in the hope that he will renew his funds by selling his crops. But a year of drought comes, and he sees his crops withering away. The grain shrivels up, and his hope is disappointed. What is he to do? He has probably no reserve stock of grain; he has to find the rent, on pain of losing his rights; he must feed his family and cattle, and keep things

going during another season of toil. Where is he to look for help? He looks to the ryot's providence—the money-lender; and he actually takes comfort when he is well in debt, for now there is some one interested in keeping him alive—his creditor. Every ryot who is not himself a money-lender is in debt to one. He knows not any year whether the crops may not fail, and is aware how dangerous it is to offend the money-lender, even though the risk of loss be not immediate. The money-lender may be an extortioner; he may, and often does, destroy all chance for the ryot of ever becoming free or prosperous; he may exact from the ryot services and payments to which he has no legal right, and which are most damaging to the welfare of the State: but, for all this, an agreement with him is looked upon as a life insurance, which must be effected at all costs.

There are times when all resources are exhausted. Crops fail, cattle die, men starve. This is famine, and the State steps in. But, short of the interference of the State, which comes only in exceptional circumstances, the ryot's chief bulwark against hunger is the money-lender; and he takes care to keep on good terms with his protector. The fear of hunger, then, is a bond which places the ryot in the power of his landlord and his banker,

and the strength of that bond lies in the fact that they have monopolies respectively of land and capital. The ignorance of the ryot, and bad communications, prevent alike the competition of land and of capital which can enable the ryot to get fair terms.

Then there is the fear of violence. On the skirts of all societies there are ruffians who are ready, by annoying respectable and quiet people, to extort services or goods from them. They can of themselves do little against the honest men, unless protected. But there is often a man of influence in the neighbourhood to whom their services are convenient, and by whom they are employed as acknowledged or unacknowledged retainers. The master's enemy is pretty sure to suffer at the hand of the servant, while from that hand the master's friend is safe; and the ryot knows this. True, the threats are veiled; the consequences of giving offence are not openly talked about, and the contracts by which they are avoided are tacit; but the understanding between the parties is clear and undoubted. What is the ryot to do? The curling moustache, the heavy scowl, and the big club of the hired bully, though hard enough to resist, may be withstood; but how is he to meet those incessant, secret, petty annoyances that are put in motion against him? He is hustled on the

road; his women are insulted when fetching water; slanders are circulated against him and his; his crops are trodden down and damaged; his cattle are let loose and stray; stones are thrown into his homestead at night, and perhaps even his thatch is fired. He is only too glad to go and make his peace, and keep at peace with the man at whose nod such persecutions go on or cease.

The ryot, then, is under bonds by which he can be controlled—being bound by his religious faith, by society, by his landlord, by the money-lender, and by the man of influence who employs the village ruffians.

All these bonds consist in powers of annoyance wielded by one man over another, which enable the former to dictate to the latter what he shall do.

A Christian may well doubt whether any other result can be looked for where the people do not worship the true God in the true way. The fear of the Lord alone can cast out and overcome all other fear. The love of the Lord, and the faith in Him through which that love reaches out to Him, alone can weaken and destroy that faith in men which sooner or later seems to lead men into bondage to other men.

The various influences which inspire fear in the ryot beset him in his home and his daily

business. There is no getting away from them. They are generally under the control of some local man of influence—whose hangers-on the Bramins and faction-leaders are—who employs the village ruffians, who is generally himself the landlord, or, if not the landlord, the money-lender to whom the landlord is in debt. At his will he is able to turn against the ryot who offends or resists him all the various powers of annoyance. Through the Bramins he can excommunicate; through the faction-leaders he can boycott; through the village ruffians he can harass; through the landlord he can worry the ryot out of his holding; and through the money-lender he can drive the ryot into beggary and starvation—a fivefold power irresistible and seldom resisted.

This power is what is known in India as *dakhl* or "local influence." He who has it is absolute monarch of his territory. If he be a small man, there is generally a greater despot whose courtier he is: if he be a big man, he has generally under him smaller despots who are his courtiers. The whole of India is overspread with these local despots, whose will overrides that of the Crown among the ryots. Disputes for the position of local despot are carried on with all the desperation, and little short of the violence, of war. Since open fighting, accompanied by pitched

battles and slaughter, was stopped by the Government, the war has been transferred to the law courts, where lawyers are the hired champions, and perjury, forgery, bribes, and threats are ordinary weapons.

If freedom be health, every one of these petty despots is a symptom of disease. The causes of disease lie deep, and ought, if possible, to be removed. An attempt will be made in the latter part of this book to indicate how that is to be done.

CHAPTER VI.

BRITISH RULE IN INDIA.

THE British nation finds itself in the position of supreme despot in the midst of a land full of despotism; and before considering how it should behave, we may glance for a little at its present position.

The object of British rulers in India has all along been to prevent disorder, and the measure of success which they have attained is apparent to all. British peace—the *pax Britannica*—reigns everywhere. Yet in this work the British nation has not so far had much help from the people; and its work has drifted—is drifting still—into the Continental method of enforcing order. This gradual advance of the *machine* method of government, alarming, distasteful as it is to the British rulers of the land, is inevitable while the people give no help and their wills are dormant. Not only is the machine

system in existence, but the machinery is getting worse, and the work of governing is becoming more difficult to do and worse done. For if the people have no ambition, the Government has; and, being both poor and ambitious, is bent on making a show at as little cost as possible.

To take a concrete instance, perhaps a clear understanding will be gained by a comparison between the method of inspecting schools in Britain and that in India. We will take the Scotch Education Department for comparison with that in Bengal.

Scotland, whose area is 30,000 square miles, and its population 3¾ millions, is divided for purposes of inspection into nineteen districts, grouped into three divisions. Each district has an inspector, four having additional inspectors, and two a subinspector each. For each division there is a chief inspector. All the inspectors but three have an assistant each; none has more than one assistant; and the subinspector or assistant nearly always lives in practically the same place as his inspector. All the officials are practically one service, and the service is entered at a minimum salary of £150 a-year, with allowances besides. Of the districts, eleven are 1000 square miles or more in area, and eight are less than 1000 square miles. There are three

districts which are both large and fairly populous, and all of these have extra officials, two of them having an extra inspector and assistant each, and the two subinspectors being also posted in two of them. The remainder of the large districts are thinly populated, their average population being about 50 to the square mile. The eight smaller districts cover some 5500 square miles, with a population of about 2,100,000. Two of them are exceptional—viz., those which contain the cities of Edinburgh and Glasgow—and have a stronger staff. The rest have an inspector each, and one of them has an extra inspector. Of the nineteen districts, some are large and some are small; some are thickly populated, and in some the population is sparse; some are chiefly town, and others are mostly rural: but in all alike the main part of the work is done by inspectors. All the subordinate help an inspector gets is that of one assistant, who lives beside him; and all the supervision is exercised by a commission with a secretary and two clerks. The inspection of schools is a work requiring skilled labour; for doing it the requisite number of skilled men are employed, and they are employed, time, labour, and brains, in actually doing the work.

Taking now Bengal, we find a different system. Bengal, with an area of some 150,000

'square miles, about five times that of Scotland, and a population of about 70,000,000, over eighteen times that of Scotland, is divided into five divisions, each of which has an inspector with his assistant. The inspector is not paid better than a chief inspector in Scotland, and the post of inspector in Bengal, considering the hardships and the exile which a native of Britain must undergo to occupy it, cannot be so attractive as that of chief inspector in Scotland. With so vast an area to manage, and communications in so backward a state, the inspectors could not possibly manage to do the work of inspection alone. At first, in the early days, when schools were very few, inspectors did a great part of the work themselves. But there had to be created an office unknown in Scotland — that of deputy inspectors, of whom there are some forty. The deputy inspectors were placed at a distance from the inspectors, and were given districts averaging over 3000 square miles in area. Still, the distances were such that, as schools increased in number, the deputy inspectors could not manage the work, and so their districts were split up into subdistricts, and subinspectors were placed in charge. There are two subinspectors in all Scotland, and these are posted at inspectors' headquarters; but in Bengal there are three or four to each deputy

inspector, isolated from him. Even this grade is not the lowest, for the subinspector's sub-district is divided into circles, each of which has a circle pundit in charge. Over all is the director of public instruction, with a huge army of clerks. The deputy inspectors get less pay than assistants in Scotland, while subinspectors are paid less than office head-clerks in Bengal, and inspecting pundits are paid less than subordinate clerks. Deputy inspectors have less brains and character than assistants in Scotland; and as for subinspectors and pundits, they are hardly expected to have character or brains at all, only accomplishments. They are, indeed, supposed to be trustworthy, since men holding such posts ought to be trustworthy; but they are not trusted, and do not deserve trust.

The inspectors are now, instead of capable workmen with their own work to do, and their time, skill, and brain free to do it, employed as overseers of the work of others, not so good workmen as themselves, and isolated from them and from one another. Their deputies are likewise employed chiefly as overseers of others, again, on a lower grade as to character and skill, isolated from them, and these again have others, lower still. Now, however much supervised, the work will be that of those who do it,

such as they can do—not that of those who supervise the doing. Inspectors and their deputies being chiefly occupied with the conduct of their own subordinates, with accounts and returns, with reports and correspondence, the main part of the actual work is done by the subinspectors and pundits, and is of a correspondingly low class. But by the time the returns are tabulated, and the reports are filed and summarised at headquarters, it will be found that the point in the work which attracts attention is the quantity, while the quality is taken for granted. The fact is, there is no one to criticise the quality, and neither inspectors nor their deputies are disposed to lay too much stress on defects which cannot be remedied, and are those of the system rather than of the men. The men may be doing the best they can, and the real defect is the perfectly well-known one that they ought not to be there at all. So we find accounts of the work presented to the British nation, stating how many miles were travelled, how many schools visited, how many pupils at the schools, how many pupils passed, and if they were more, it is satisfactory, if less, unsatisfactory. But what about the quality? Can it be pretended that the cheap agency is as efficient as the more expensive; or that the higher paid man at a distance can by super-

vision keep up the quality of the work turned out by cheap agency? If so, it is astonishing that in canny Scotland this great and economical truth has not been discovered. Or is it that in Bengal the work needs less skill, less character, less zeal; or that skill, character, and zeal in Bengal are cheaper articles than in Scotland? The education department in India is still to a great extent of a missionary character. It has still to convince the people of its usefulness, and arouse in them such an active desire as will cause them to seek and work for its benefits. As yet, from an educational point of view, they are deadly sick, and need careful treatment to restore them to health. For such work as this, not less but more skill, character, and zeal are wanted. These qualities are not cheaper in Bengal than in Scotland. They are rare—so rare that they are seldom found, and when found, are snapped up eagerly by those who know what is what. The lower-grade officers are not trustworthy and not trusted. They are watched because they are untrustworthy; and yet they are employed to do such work, and in such a way that watching can do little or no good.

Now this department has been selected from among others to illustrate the method in which British work in India is done, because it is more

nearly parallel to British work in Britain of the same class, and because, as it has come into existence in comparatively recent days, its progress can be traced. The defects in the system may be summed up in one word, degradation —degradation of the work, of the labourers, of the employer, and of the cause. The work is degraded, because unfit workmen cannot but turn out bad work; the few good labourers are degraded, because they have to spend their time, labour, and brain in the vain effort to make bad workmen do good work, instead of doing good work of their own; the employer, by employing unfit men and accepting their bad work, loses reputation; and the cause itself is identified with the bad execution, not with the good design.

The British nation desired to give to the peoples of India, the benefits of education, which had been felt so greatly by itself. The work was begun well, and so long as there were few schools, the few inspecting officials were enough for the work, and of a high class. But to extend the work schools were multiplied, and because of the expense, instead of more high-class officials, there were added cheap men of an inferior stamp, wanting in skill, character, and zeal for the efficient discharge of their duties. Instead of pride in their work, these

men had pride of place, and, without the knowledge or the wish to be efficient, eager to please their masters, they found that this could be done by keeping up the quantity of work turned out. The intention of the British nation in giving education was to form and bring up wise, enlightened, and honest citizens, who would be a strength to the State, and so many centres of good influence. Its servants are interested chiefly in providing statistics, in which the one thing needful is to show that a larger quantity of food has been distributed this year than last year. As to the quality, the food is not for the British nation to eat; and whether it has been thrown away or eaten, and whether, if eaten, it has been wholesome in its effects, few questions are asked.

But the Indian ryot, who has to consume the food, and has to bear the consequences of doing so, cares nothing at all about quantity and everything about quality. What is it to him that vast quantities of the same thing that he gets are being given to others? He looks at the quality of his own small portion. When a boy has been sent back from school with the stamp of a successful examination on him, the education department has done with him, and takes no further interest. But the interest of

his friends begins here. When they see him come back with a smattering of reading and writing, soon to be forgotten; without reverence for God, parents, or society; with little wisdom and no morality, discontented with his lot, and with no improvement in prospects,—they come to the conclusion that this thing called education, which the authorities are always praising and urging on them, is not wholesome or beneficial, and they have no appetite for it. Now, if we had none but conscientious workmen, taking a pride in their work, they would refuse to give their employers any but good and efficient work. The standard would be maintained; the reputation of the workmen, their employer, and the cause they work in, would be high; and if the actual amount turned out were less in bulk, from the exclusion of the vast quantity of rubbish now mixed with it, what remained would be good, and would be sought by the people with a keen appetite.

From this example it will be understood how the British Government in India, being poor and ambitious, is engaged in making a show with small means. The same system has penetrated, as will be seen later on when we enter into details of work, into every department. Quality is sacrificed to quantity, and the standard is lowered. In the administration of jus-

tice, the pressure placed by the Government upon its servants to turn out masses of decisions; the satisfaction felt when the returns show that pressure to have had effect; the displeasure when the pressure is resisted; and the addition to its staff of many cheap, inferior men, who are good for quantity but not for quality, have damaged the reputation of the law courts. Engineers are employed to look after public works, and these are given so many various and widely scattered works to attend to, that their department has got a name for inefficiency which they themselves do not deserve, but their department does. And so it is in every department of State business. In its desire to be everywhere, to do everything, the State has multiplied its staff of servants by the addition of many men who have neither the character, the zeal, nor the skill for real honest work, and bring discredit on their employer.

The composition of the public service is thus early noticed, because it has a most serious effect on any programme of work which may be framed. Even good laws are only useful as they are enforced. We find politicians claiming for particular classes of her Majesty's subjects the right to serve her Government, to the exclusion of other classes. Thus for some time a rule was made, and is even now practically in

force, that in certain branches of the service only persons of pure Asiatic descent should be admitted. Now, if the work be for the worker, surely the native of Britain, which rules India, has at least as great a right to employment in its Government as any native of India; but if, as seems more reasonable, the worker is for the work, then such claims to exclusive employment as a right merely on account of race ought not to be entertained on one side or on the other. We should first examine the work that is to be done, and then look about for fit agents to do it.

The nation must have agents whom it can trust, and who are fitted for the work they have to do. This is a serious matter. The agents are the instruments, the weapons of the British nation. As on the quality of sword or bayonet the life of an army may depend, so on the truth and strength of Britain's agents depends that for which hundreds of thousands of her sons have shed their blood and spent their substance — the honour of the British nation. The question is not whom the ruler ought to trust, whom he would like to trust, who ought to be trustworthy, but whom he *does* trust. Now there is on the part of British politicians a reluctance to make what are called invidious distinctions, and a tendency to assume that all

men are equally useful for the public service, ignoring the effect of blood, training, traditions, and associations. The pretence is made that the native of Britain and the native of India are of the same quality; that the one can do what the other can do, and no more than he, and can do it equally well. This is called a pretence, because no one really believes it; and yet in these days courage is required to denounce it, so many are in love with it. To believe in it, or to profess belief in it, is in many eyes a sign of enlightened liberality, while he who withholds his faith from it earns thereby a reputation for narrow prejudice. But yet, if the British nation approaches its work in the spirit of this pretence, it is preparing for itself disaster, discredit, and disappointment in the future.

There is no business man, in any line of life, who does not know how fatal carelessness in the choice of his agents will be to his chance of success. No wise shipowner will send his ship to sea with a captain and officers whom he does not trust, simply because he does not like to give offence by avowing his distrust. Every man who does work works by faith; the difference between the wise man and the fool being, that the former places his faith in the right objects, the latter in the wrong. But

when we place our faith in any object, we discriminate. And so must the British nation discriminate when it chooses its agents. There can be no doubt as to the folly of covering all the widely different materials we have to choose from with the paint of pretended equality, and then treating them as if they were the same. It may be that the qualifications sought for are to be found in natives of India; but considering that the British nation achieved its own freedom, and the peoples of India sank into a state of bondage, this should by no means be taken for granted. We do not choose stone that has crumbled to make a pillar which is to support a great building, nor metal that has yielded to forge a strong anchor.

The British nation has work to do in India, and if that work is to go forward and be successfully accomplished, the rulers of India must be free to go for their agents wherever they are to be got best fitted for the work.

Stress is laid on this point, since the proportion of natives of India to natives of Britain in the service of the Government of India is being greatly increased; and the increase of this proportion, without due regard to its effect on the work to be done, seems to be, in the eyes of many, a political end. The increase would be a sign of success in the great work

of giving freedom to India, if it came in as an accidental consequence of that work. But there is fear that the work is being sacrificed in order to manufacture favourable symptoms, and make the British nation believe that things are more forward than they really are. We should resolutely fix our eyes on the work, and the work alone, which should not be prejudiced by a consideration for the personal interests of any class of her Majesty's subjects. The British nation has abolished race distinctions in favour of its own people, and should not revive them in favour of Asiatics. The proper test for those who seek employment is fitness for the work, and that is ascertained not by logic but by faith after scrutiny.

The great work of the British nation in India is twofold—viz., to look after British interests, and to look after the interests of the many millions of inhabitants whose destiny is in the hands of the British nation. As regards the former, we have to remember that India is a vast country, with every variety of people in it, and that in every part of it there are important British interests. Being at home there, the British nation does not employ ambassadors or consuls, as in foreign countries. Out of its 80 ambassadors and *attachés*, and its 300 paid consuls and vice-consuls, besides many who are

not paid, not one is in India, though British interests in India and the responsibility of the British nation to British subjects there are greater than in all the world outside Great Britain and the colonies. The work in India that is done in foreign countries by ambassadors and consuls must be provided for, even if India were entirely independent; and it is customary to entrust such work to men of British race—not from favouritism, but because no others are qualified for the work. They must have the confidence of and understand British subjects; and there is no one whom a Briton will confide in, or who can understand a Briton like a Briton.

With regard to the second division of the work—viz., looking after the interests of the many millions of Indian subjects of her Majesty—we have seen that the policy of the British nation is in its essence to give them freedom, and that, if left to themselves, they are not likely to get it.

In a wise book, written by a wise man—the 'Water-Babies,' by Charles Kingsley—there is a very striking scene, where Tom finds his way into Peace Pool, and sees Mother Carey sitting, while all around her there come into being living creatures. Tom asks Mother Carey how she manages to make all these creatures while she sits doing nothing, and her answer is, "I make

them make themselves." That is the British spirit. The British nation would fain sit and watch, meddling as little as possible, and leaving the people to develop in their own way. But in order to be able to work in this way, the British nation must be where, even though it does not interfere, it may see and hear, and know what is going on. Can it be said that the British nation is present, seeing and hearing with British eyes and ears, and judging with a British mind, if its agents—its eyes and ears—are natives of India? This cannot be said; and therefore, since the British nation must be present by its agents at the doing of its own work, those agents must be of British race.

There must be in India, while the British nation rules there, a sufficient number of British agents to watch effectually British interests, and to watch and direct the progress of British work for the natives of India, and these agents must be of British race. To help them in the latter class of work, there is need of agents who may be natives; and we have now to consider shortly what qualities these agents ought to have.

First, they must have faith in the work, and in the brotherhood of man. No man can do heartily a work which he believes to be going on false principles; and unless he does his work heartily, it will come to grief.

Next, they must have honour. They are in charge of the interests of a great State, and of many millions of people. They are placed in situations where it is impossible to control them. When King Louis said, "Ipsos custodes quis custodiet?" Quentin Durward answered, "Their Scottish honour;" and no better answer has been found during the centuries that have passed since that time.

Then, they must be staunch. It is now more than thirty years since the British nation was horror-stricken by the tales of disaster and peril that came from India, and then moved with pride and admiration by the courage and devotion of its sons and daughters there, who were a strength to their country far exceeding the strength of riches or numbers. Since that time there has been no such general disturbance, but not a year passes in which an agent of the British Government does not face death, violence, or disease in the course of his duty, though little is heard about it. The British agent must be a rallying-point in time of danger and disturbance; a shelter for the poor, the weak, and the oppressed against the strong oppressor; a steadfast and calm umpire when all around are in a turmoil of passion and excitement. Therefore he must be staunch.

Again, the British agent must be a good man

of business. He has enormous interests to adjust, numberless affairs to manage. If he be wise, millions are the better; if he be foolish, millions suffer. By the wisdom or folly of its agents, too, the British nation makes or loses great sums of money. So that, putting the question on the lowest ground, it does not pay to have agents who are not good men of business.

Last of all, and perhaps least necessary of all, comes a good education. This is more easily acquired and less necessary than any of the other qualities mentioned above.

So the British agent should have faith, honour, staunchness, good business capacity, and education. Men of this stamp are sufficiently rare in all countries, and are especially hard to find in India, where religion, society, and circumstances alike are unfavourable to the growth of such qualities. It would seem necessary, therefore, that even among the posts that may in the end be held by natives, many must for the present be held by Europeans chosen from the British race.

It will be said that to exclude the natives of India from a share in the management of Indian affairs is impolitic and costly. As to the cost, prudent expenditure is never costly; while the employment of an unsuitable agent to do the work is so bad for the work, that the work would

be often better left undone altogether. One chief reason why the employment of cheap and unsuitable men is allowed, is the belief that whatever happens the programme of work must be got through. There is no necessity for this. The proper course, when we find it impossible to get the work done by fifty costly but efficient men, is not to employ in their stead a hundred and fifty cheap and inefficient men, but to reduce the size of the programme. The standard should be kept up at all risks, and quality is of more importance than quantity. As regards the political question, a system under which the natives are kept helpless, and unable to manage their own affairs, is a bad system, and should be abandoned as soon as possible. But this helplessness must continue so long as the British nation is obliged, through its agents, to guard their interests. The system will not be nearer coming to an end if among those agents there are more natives, to whom it is natural that a despotic ruler should be all in all, and fewer Europeans, to whom such a state of things is unnatural. The work of Mother Carey, which in India means rousing and organising the dormant wills of the people, and guiding them into the proper way of doing things for themselves—giving them freedom, in short—is British work, which Indians cannot do. Besides this, great masses of work

are now undertaken by the British nation simply because the people in India do not take it up and carry it on as they ought. To employ native agents, responsible to the British nation, is not to shift the burden from British to native shoulders, but only to increase the burden already resting on British shoulders. The political effect of such a course is also bad, since it reconciles both the British nation and the educated classes in India to a bad system, and makes them believe that a reform has been accomplished which has not yet been begun.

The position of the British nation in India is as follows. Besides the protection of British interests, it has undertaken the protection of the natives by giving them that freedom which they cannot gain for themselves. For that work agents are wanted who will be pioneers, guides, and examples to the people. The British nation, through its agents, is doing work which ought to be done by the people, a great deal of the work being now done so badly that it would be much better left undone, to await the time when the people can take it up themselves. The first condition of success in the special work of the British nation — securing the freedom of the peoples of India — is a very careful choice of agents. The British nation ought to be as

jealous for the character of its agents as it is for that of its coin.

Having laid down the policy to be followed, and the first condition of its success, we may now proceed to examine the work itself, and consider how it can best be done.

CHAPTER VII.

RELIEF FROM PHYSICAL BONDS.

We are now to consider certain means by which the unwholesome bondage in which the masses of the Indian peoples are held may be loosened. The means suggested are not the only ones available; but these, at all events, if used, will be a powerful aid in the work. The three means for relaxing physical bonds which are to be dealt with here are connected respectively with land, water, and communications. First as regards land. The part of India chosen for consideration is Bengal,—first, because the author has seen something of that province; and second, because, the Government having less hold over the land there than anywhere else, whatever can be done there can be done elsewhere.

The Legislature has already enacted a succession of laws with the object of giving the ryot

a certain degree of independence. These laws have given rise to controversy,—the landlords, on the one side, protesting against the principle of dual ownership which is embodied in them; and the advocates of the ryots, on the other hand, claiming that they have always had even larger rights than are now conceded to them, and that the laws, so far from establishing rights for the ryots, have for many years been used to deprive the ryots of their rights.

There seems little doubt, whatever may be the rights and wrongs of this controversy, that at least one new principle has been introduced into the country by English law, and that is the principle of transfer of rights. The right of the Hindoo or Mussulman in immovable property was always a right which he could himself exercise, which no one but the State could take from him, but which he could not alienate. Like his life, he could enjoy, but could not give away or sell his land.

Though chiefly concerned with the ryots, we may say a few words here about the landlords, their partners in the land.

It is well known that Lord Cornwallis, by his Permanent Settlement in 1793, a bold and sweeping measure, designed to establish in Bengal a class of landlords who should correspond with, and do the work of, the nobles and squires

of England. He freed the landlords of Bengal from all fear that they would have to pay higher revenue to the State. This was done in the hope that the landlords, seeing that the profits from all improvements would be secure from the hand of Government, would, with a liberal hand, set about improving their estates, and would cherish the ryots on them; so that, with prosperous landlords and contented ryots, the land might become, like England, prosperous and strong.

Certain causes prevented this hope from being fulfilled. The first was the personal unfitness of the landlords. They were, as a class, immoral, weak in body and in mind, steeped in debauchery from childhood, lazy, never stirring out of doors, and never attending to their own business. The conduct of their affairs fell into the hands of their servants, who, after the manner of the country, delegated their duties to others, and these again to others; so that each estate was covered with a swarm of locusts, who devoured it. It may be that this was recognised, and that the hope was entertained of things improving. They did not improve. Thus it came to pass that the landlord, if he had money, squandered it in debauchery, and in feeding a horde of retainers, whose position enabled them to extort from the ryot the greater part of his little store. The landlord, when his money ran out, quickly ran into

debt, and became tied hand and foot, a slave to the money-lenders.

The second cause of disappointment was the native law of inheritance. This gave every member of the family an inherent right in the family property, so that, except in the case of a few estates which by custom were kept undivided, the right in an estate came to be split up into sometimes as many as a hundred shares. The ownership of property tends to prevent the owner from working for a living; and thus, in place of the English family, in which the eldest son takes the property with its income and duties, and the younger sons go out into the world and seek a livelihood by labour, we have the Hindoo or Mussulman family, with its mass of pauper proprietors, letting the family residence fall into ruins; dividing the family wealth till it is no longer wealth but poverty; spending their time, if one becomes a little less poor than another, in fighting over their rags of rights, and paralysing the management of the estate; till, finally, the miserable carcass of the estate, ruined by their squabbling, passes out of their hands entirely. The evil day is sometimes postponed if there should arise some wise and strong member of the family to keep things together. It comes not all at once, but after generations have caused the family tree to send forth many

branches: come it does, however, sooner or later.

The third cause of disappointment is the alienation of permanent rights which the English law has sanctioned. In former days, before the Permanent Settlement, the landlord was a proprietor, with a fairly sure tenure of his estate, but he had also duties to perform, on failure to perform which he was liable to be deprived of his estate. If in the opinion of the ruler he neglected his duties or abused his position, out he went, with all who derived their interest from him, and the estate was handed over to another. This system is mentioned not as the best possible system, but as that which was superseded by the Permanent Settlement. The system which succeeded it has had the effect, whether intended or not, of narrowing down the landlord's duties to the single one of paying in the revenue. The other duties, such as those of police, which he nominally retained, he has first neglected and then given up, without his property being touched. To secure the one right of the Government, it was enacted that the rights of the landlord who failed to pay in the revenue on the appointed day should be sold by auction. Then proprietors were allowed to sell their rights, or to sublet them by temporary or permanent leases; as a property was split up, each partner

in the estate had this right separately; and the law courts could attach the share of any one of them and dispose of it for the benefit of his creditors. Sublessees in their turn could sublet, and we sometimes see a chain of tenants stretching from landlord to ryot.

We need not here discuss whether this system is good or bad, or how it can be mended. We can easily see how it throws the power over the land into the hands of hard speculators and masters of intrigue; how the resources and attention of the landlord are diverted from the management and improvement of the estate to fighting rivals, or preserving pauper owners from starving. The loser in a struggle will sell or sublet his rights to a richer or more cunning man, who will carry on the war. If the proprietors, having got into a hopeless muddle, sell to a new man, his family will in time fall into the same trouble. The courts seize and sell to strangers fragments of the estate, which is sure to be wasted away by extravagance, quarrels, or litigation. While we can imagine remedies for such a state of things, we may be contented now with noting it, and passing on to consider how the ryots are to be protected from harm while it exists.

The Permanent Settlement changed the relation between the landlord and his ryots from a

personal to a business relation—not expressly, for it fixed the relations between Government and landlords, not between landlord and ryots; not immediately, nor everywhere, for on some estates the change has not taken place to this day: but by the Permanent Settlement the change has been made possible on any estate at any time, and on many estates it has actually taken place. In old times both landlord and ryots were strongly bound by custom, which regulated their relations. Then came in the English law, which recognised no right in the ryot except such as he held by lease from the landlord; and so great was the trouble caused by this as soon as the landlords, losing reverence for custom, began to act on the law, that statutes were enacted fixing the mutual rights of landlord and tenant, and the guardianship of those rights passed from custom to the law courts.

Now let us look at the agricultural village in India, and try to realise what it is like. The people are generally a sort of large family, of one origin and one caste or religion. The houses are in a cluster, standing in the midst of the village fields, approached by the same paths, using the same well. The fields of each ryot are scattered among those of his neighbours, over the village, without fences. A man cannot get from his house to his field without passing through the

fields of his neighbours. The ryots probably irrigate from the same source; get fuel from the same wood; frequent the same market. Their cattle are herded together; their children play together, and often marry one another; they employ the same barber, potter, oilman, washerman, blacksmith, and carpenter, and deal with the same grocer, each having a running account with him, and with the same money-lender. In prosperous years they rejoice, in drought they suffer together. They must live in harmony as one body, or there is no peace or comfort for them.

In this village the landlord has rights,—of rent, over trees; perhaps on land of his own; over waste, forest, and non-agricultural holdings. He is bound to know and report to the authorities what goes on in the village. He may make improvements—roads, reservoirs, plantations, and the like; and he may forbid the introduction of bad tenants or misuse of the land. The mutual rights and duties of landlord and tenant bring them in contact often and in many ways, and it is most important that there should be as little friction as possible, since friction causes irritation and loss.

The old customary law of the land provided a safeguard against friction in the village headman, who had authority to act for the ryots in their

dealings with the landlord and the outside world, and as chief over the ryots in their dealings with one another. He preserved their rights, transacted their business, and kept discipline among them. In him was, in short, concentrated the village will. But the English customary law, which came to be administered by the courts, ignored this official. The law courts held that the landlord had a direct business relation with each of his tenants. The tenant was no longer the village community, but the individual ryot. The ryot had no longer to look to the village head for adjusting disputes with his neighbours, or keeping his accounts, or settling land, but had to go to the landlord. The landlord became the trustee of village common rights, such as pasture, fuel, irrigation, and the like; and in him instead of in the headman was concentrated the will of the village: but instead of personifying, he dominated the village will.

The village ordinarily formed part of an estate of many villages, and the landlord seldom was a resident. Even if a resident, he was not suited by his habits and qualifications for the work of managing, nor could he give the time and attention required for the proper care of the many minute interests of village life. He usually employed a servant to represent him in the village, or, abandoning all personal connection

with the village, let out his rights in it on a lease. The servant, when one was employed, received, as was inevitable, very low wages, and was expected to make his living out of the villagers; the farmer's business was to turn the ryots and their land to as profitable a use as possible during the currency of his lease. As will have been gathered from the account of the village given above, so many are the points of contact between the villager and the landlord, that the servant or lessee who represents the landlord and exercises his rights, is able, in the absence of a village head in whom are gathered up the interests of the villagers, to cause to each villager the greatest unhappiness, not by asserting rights which do not exist, or destroying rights that do, but simply by his attitude. If he takes up a hostile attitude, pushing rights to extremes, raising disputes about trifles, and calling in the lawyers at every turn, he can make to the ryot, who with small means has to maintain his family, and has nothing to spare for extra expenses, to whom law expenses mean debt and extortionate interest, a misery of life. Therefore the ryot has been described as being in a state of bondage to his landlord. When there is one landlord, things are bad enough, for the landlord, fearful of collusion between his servant and the ryots, most often encourages friction between them. But when,

as is often the case, there are several proprietors, all of whom have rights over each of the ryots, the burden is greater; for there are more servants to please, more leeches to satisfy. When there are several persons disputing for the village, and to please one means to irritate another, still worse is it for the villagers. Each of these claims to be the landlord or chief of the village, attempts by force or otherwise to exercise his rights, and fights in the law courts and elsewhere all who oppose or who do not support him. The position which enables a man to determine whether the villagers shall be happy or miserable has been turned into a property, to be passed from hand to hand for money; to be seized and sold to strangers by the courts; to be split up and alienated by its occupiers at will; and to be occupied almost entirely without responsibility for the manner in which its duties are done.

There is a step which should be taken at once, if the work of giving freedom to the ryots is to go on, and that is, restore the old village system, giving each village, or in large villages each quarter of a village, its own head. The impossibility of the present system being ever worked satisfactorily arises from the fact that some one in the position and doing the work of the village head is needed, and that some

one is at present usually a badly paid servant or a grinding lessee. The position is one that should be held not as a property but as an office, by one who is reasonably likely to deal fairly by all concerned; and therefore the office of headman, where it does not now exist, should be created, and filled by a man who is or ought to be acceptable to the villagers, the landlord, and the State. The holder of the office should be substantial and independent, and therefore it should be well endowed, and not subject to the control of either landlord or tenant. He should be under proper discipline, and therefore made responsible to the State through its trusted officers, who should from time to time ascertain that he faithfully represents and efficiently controls the village, and that there is no reasonable ground of complaint against him, from the point of view of the villagers, the landlord, the police, the public, or the State. If he is found unfit for the office by reason of negligence, misconduct, or incapacity, he should be, after proper warning and opportunity for reform, removed from it. There are still parts of Bengal where the system of village heads is in existence, and, on the whole, works well.

To the landlord, to the general public, and to the State, not the individual ryot but the collective village, as represented by its head, should

be known. Any dealings which the State or the outside world may have with the individual ryot should be through the headman. The headman should settle internal disputes, maintain village common rights and the rights of villagers, and bring to justice any of his people who may be charged with offences against the law, protect the interests of the landlord which may lie in the village, and see that the landlord's rent is paid. In general, he should promote the welfare and keep up the character of the village. Each village would then become a free corporation instead of a disjointed collection of slaves—a great advance.

It follows that, if the village is to be dealt with as one body, of which the ryots are members, the ryots cannot be allowed each to do as he likes with his land, alienating it by sale, mortgage, or lease at pleasure. The question to whom and how a ryot is to dispose of land that he cannot himself use, is one which need not be gone into here; but there should rest in the head of the village a right to veto in behalf of the village the introduction, whether by the landlord or by a ryot, of a ryot who will prove an irritant. The right of free sale would seem at first sight to be a boon to the ryot, but is far from being so. In the first place, it enables the foolish ryot to "sell his birthright for

a mess of pottage," when the loss falls on himself, his wife, and family. There are hardly any circumstances short of emigration that would, in these days of close competition for land, justify a man in parting, for a temporary gain, with his permanent means of living. In the next place, any of the ryots may replace himself by some one who will be a nuisance to the village. Lastly, if the ryot has a right to sell his holding, his land is a disposable asset; and it would be just, in the event of his owing money — which they nearly all do — that the court should, if required by his creditors, seize and sell the land for their benefit. Thus the right of selling involves liability to seizure and sale against the ryot's will, and is a disaster to him as well as a nuisance to the village and the landlord.

Free sale involves also the minor rights of free letting and mortgaging. The practical result of free sale, letting, and mortgaging, is that, if the ryot's rights are worth having, they are quickly cozened or forced out of his hands, and instead of the ryot being raised by any measure enacted for his benefit, others will climb over his shoulders, while he stays in the mire. This has been proved repeatedly by experience. No doubt it is necessary occasionally to admit new members into the community, and

to enable members who are leaving to dispose of their improvements and fixtures; but this should be done with careful precautions against abuses.

The community should be well provided with common land for roads, grazing, fuel-supply, and other common purposes. Not the least evil brought on the villages by the breaking up of the communities has been the appropriation by the landlord or by ryots of the common land which there was no one to guard, and of whose use the villagers have been deprived.

One other point in connection with land may be mentioned, and that is the control by the State of land that, for the public good, ought to be used in a particular way. Especially is this the case with forests, lines of road, arterial drains, and other lands necessary to the welfare of the people at large. This need hardly be said, but that immense damage has been done to the public by the manner in which private interests have been allowed to override public interests, and by the too free licence allowed to greedy or ignorant proprietors in managing or disposing of their property.

We come now to the next physical relief—by water.

One of the most dreadful of all calamities which can befall a country is famine, and the chief cause of famine is drought. We have seen

that the ryot's main bulwark against famine is the money-lender, who has consequently become a master and the ryot his slave. Unless we can do something to weaken the bond by which the money-lender holds the ryot, farewell to all hope of freedom. One chief strand in the cord is famine.

Now the State has already taken on itself a certain amount of responsibility for the people in times of famine. It has undertaken to save them from the consequences of famine so far as to preserve their lives; not entering the field as rival to the money-lenders, but taking charge of such persons as the money-lenders refuse or are unable to help. A money-lender, as a man of business, must look for a reasonable chance for a return on his outlay, and his resources are small. In famine-time many are driven to borrow, or to borrow more largely, because of extraordinary losses; while the same reason causes them to contract their charities, and throw on the State the burden of supporting the poor, to whom the money-lender never gives credit.

No attempt is here made to discuss famine, and how to deal with it, further than is necessary to show in what way the grip of the money-lender can be loosened from the throat of the ryot so as to make him a free man.

Let us think what famine means. Here is a village of fifty homesteads, in each of which dwells a family. The area is some 300 acres, of which 150 acres are under a crop of rice, the staple, and 50 more under other crops. On these crops the fifty families depend for a living. The village is provided with a few small tanks, and, for drinking-water, a well or two. The fields are ploughed by means of cattle. The past season has been bad, crops scanty, and the village money-lender is unwilling to give credit. All available grain has been made over to him, and there is not enough stock left in the houses to keep the people alive without help till next harvest. The ploughing season comes on, and the cattle, having had little fodder owing to the drought, are weak and not able to do much work. The rain fails to come, and the seed cannot be sown because there is no moisture. Seeing this, the money-lenders become wary, and will not make advances of grain. We will suppose that the rain has fallen; the land has been ploughed and the seed sown; and the rice successfully planted. There comes a break in the rains, and the crops begin to wither—for rice needs much moisture; the fields dry up, first on the high land, then on the lower, and a great part of the crop is lost. We will suppose that this

crisis is past, that refreshing showers have fallen in time, and that the rice has grown up flourishing. The rainy season closes too soon; the rice which has grown up withers before the ears fill with grain, and the crop is lost. There are these three critical times to be passed every season before the crop is in safety, and if it fail, distress ensues. If the rice fail, the next hope is the winter crop of pulses, by which some food may be saved. But when the rain holds off and the season goes by, little can be sown, and of that little nearly all withers up. Stocks are depleted; the money-lenders cannot fill up their stores; and there is a famine. It tells first on the landless and feeble, who have no credit and cannot work; but when the scarcity becomes famine, all are drawn in, and the pinch is felt by all. The landlord cannot get in his rents, nor the money-lender his dues, and there is a general paralysis. The same want of rain that has destroyed the crops has destroyed the fodder, and with it the means of transport. The cattle pine with hunger. The sorrows of famine! What need to describe them?

The loss of crop which must occur before there is a famine is enormous, because a partial loss will not make a famine. There is a partial loss—on an average about a fourth of the full

crop—every year. Now let us think what this means. The annual crop of the village lands, if a full one, is, on a moderate calculation at 20 rupees an acre, worth about 4000 rupees. The bulk is rice. The ordinary loss, chiefly from drought, is one-fourth of this, or 1000 rupees; while, in a famine year, it comes to about three-fourths, or 3000 rupees. Supposing the annual value of the whole of the crops of Bengal to be 500,000,000 rupees, which it is at least, the annual loss, falling, say, on half the area—for large tracts never suffer from famine—will be about 60,000,000 rupees in an ordinary, and 180,000,000 in a famine year. That is, the work is done as usual; there are all the ordinary expenses, perhaps more; and the return is by so much less than it would be in a good year. The chief cause of this loss is want of water, for which cause also much good land remains barren and untilled; and in much not one crop out of four comes to maturity. It is to be noted that though the crop lost is not the whole crop, the loss is not equally distributed. That which is saved belongs to the few who have the best lands, and there are many who lose all, and must perish if they get no help.

Help is provided by the State in two ways,—first by irrigation; and second, by giving em-

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ployment to soften the blow. The labour of the ryot having met with no return, he is given an opportunity of labouring more in hope of a return. Passing by the latter mode of relief, we shall consider the former. With good and unfailing irrigation, the chief cause of failure, drought, is removed so far that it is no longer feared. In large areas the State has established systems of irrigation, which do much good; but there are still enormous tracts which are not safeguarded from famine, and famine with its fears hangs over the people who dwell there. Famine is like an inveterate foe who is constantly raiding and destroying the country, and is so persistent and implacable that the only way of securing peace and freedom is to attack and destroy him, if it can be done. It can be done, and ought to be done.

The details of the work are such as only a professional man can attempt to work out. All that will be done here is to place together a few of the data from which the problem is to be solved.

In the first place, there is the loss to be prevented. This is the measure of the usefulness of the work, and will show whether it is worth doing. The loss is, to begin with, the annual 60,000,000 rupees lost from short crops to the ryots, and the interest, always high, on debts

incurred on account of it. This interest is not all gain for the money-lender, because it means hard work and expenses. Then there is the loss of fodder, and of jungle products, and destruction of cattle. There is the loss to the landlord, who loses his rents and has to borrow money to make them good, paying interest; and the loss to the trading classes from the removal of so much capital, which means bad business. There is the loss to the State, which has to remit taxation, to spend large sums in direct relief, and to keep up a vast machinery for watching the rainfall, watching the crops, and carrying relief to the smallest and most remote village, when it shall have suffered that high proportion of loss which paralyses local means. If we add to these the profit that might be made by the cultivation of good crops like sugar-cane, potatoes, wheat, &c., which cannot be grown for want of water, we shall find that the advantage both in loss saved and profit made would be enormous.

The next important fact is the rainfall. In most parts of India—all the densely inhabited parts—a drought which causes a famine has not usually the same meaning as the drought which dried up the land of Israel in the days of Elijah. There may have been such droughts, but if so, they are so rare that we may leave

them out of our calculations. The rainfall in India varies, ranging from the 600 inches a-year at Cherrapoonji, to the two or three inches a-year which fall in the Scinde deserts. In most parts we are able to depend on at least 30 inches a-year, nearly all of which falls in one season of about three months. The want of water which destroys the crop is felt, not so much because no rain falls, as because much of the rain that does fall runs away unused. Sometimes it runs away in such quantities and with such violence as to cause floods on the rivers which it feeds, though next week the fields may be withering for want of moisture. Here seems a plain indication from Providence of what should be done. Means should be adopted to store where it falls, and as it falls, a sufficient quantity of the rain-water to make good any deficiency of water later on. At present the whole crop may depend on a single shower, whose failure to fall when wanted may destroy the crop. Besides the great irrigation canals of the State, minor works of various kinds have been made and are kept up in great numbers by the landlords and ryots. There are still, however, great areas where such works do not exist, and where they exist, they are not systematic, substantial, or extensive enough to be of real use in a bad year. The State

should make, or see that others make, provision for the proper supply of such works, so that every village may be safeguarded from this most dreadful enemy. Land should be reserved, stores of water made and safely secured, so that the fear of death by famine may become a thing of the past. What a relief this would be both to the State and to the anxious father of a family, who has now to ensure the lives of himself and his wife and children as best he may! Freedom from this fear would smooth away some of the deepest of the wrinkles that score his brow.

"They live at ease who freely live."

The work can be done, because the conditions make it profitable to all. Even if one-twentieth part of the whole area had to be set aside for storage, the increased production of the remaining nineteen-twentieths would enable the ryots to pay the cost and still have a profit. With a rainfall of 30 inches, a less area would suffice, not to mention the streams and springs that could be utilised. These water-stores would be useful, not only as an insurance against loss, but as a means of gain. Water! It means wealth. It fertilises the barren ground, and enables good crops like wheat, sugar-cane, potatoes, and rice, to be grown where they cannot now be grown.

It means fish for food where fish are now unknown, fodder for cattle, groves of fruit-trees, good drinking-water for all, and no cholera. True, it sometimes brings fever; but with precautions that could be guarded against.

As to the cost of making and maintaining the works, that of course would vary with the local circumstances; but with a margin of 2000 rupees yearly loss to be saved for every square mile, there can be few places where the work would not more than save its cost, and in most a tenth of this should suffice. The works should be placed on a business footing, those who receive water paying for what they get, and this would ensure its being stable and efficient.

Another great work, which none but the State can well undertake, and which is closely connected with this of water-supply, is the regulation of the streams. The rain falls from heaven on every part of the land, and it runs over the land first in streams, then in rivers, to the sea. We know that great difficulty is felt in dealing with the rivers, which bring down their burden of silt or sand, depositing it in navigable channels, and which frequently devastate the low lands by means of floods. In many parts of the country the streams that feed the rivers have been taken possession of by the people; and by means of much labour their beds have been

turned into fields, and the soil has been kept from being scoured away. One of the chief operations in agriculture, where the rain falls with such fury, is to prevent scour. The cultivator does much on his fields, by means of little ridges, to retard the flow of water, so that it may escape without tearing away the soil with it; and each field is thus made a means of mitigating floods.

But where there is no cultivation, the water, not being retarded artificially, rushes off with great impetuosity, carrying off the soil and forming ravines. This process has been made more complete of late years by the removal of the natural means whereby the rush of water was broken and the soil retained — viz., the forests. These have been extensively destroyed of late years, and their destruction has caused increase of scour and of sudden floods. In great tracts of barren and uncultivated land, denuded of forest, the rain is suffered where it falls to gather, rushing together in great floods, full of sand and *débris*, till it grows into furious torrents which cannot be restrained, and must be passed on, with the devastation they carry, to the plains and the great rivers. It would be a help to the great work of irrigation suggested above, if the State were to take means for controlling the rain from the time when it falls to

the time when it enters the sea. This, again, is work for the engineers, who could say in each case how the work can best be done. Any observer, however, can see that the work is possible, and would be profitable. The example of the cultivating ryots themselves has proved its possibility. We see not one, nor a hundred, but thousands of streams taken in hand and tamed, dam after dam being thrown across them, and the water being conducted gently, without carrying away the soil, from field to field. This is done simply by preventing the water from rushing down steep slopes, when it gathers way as it goes, and scours out the soil, and by causing it instead to descend by broad and easy steps, pausing at each step, and never gathering way. If we take the water from the source where it falls, and arrange steps for it to pass gently down, never giving it, as it were, its head, there will be no need, when it reaches the great rivers, of heroic measures. This great mass of wealth, which nature deposits year by year over the whole breadth of the country, will be taken possession of; so much as can be profitably used will be available for use, and the rest will be passed off harmless to the sea. Barren uplands can be utilised as reservoirs; streams which are now either dry sandbeds or raging torrents can be made navigable; irrigation channels can

be formed and led over the country, spreading wealth; and bridges for railways and roads can be made at less than half their present cost, when there shall be no more violent floods to pass through them.

Neither in the matter of irrigation nor in that of controlling water-courses is it desirable that the State should seek to get the whole of the work into its own hands. In such a work it is desirable that each person who has it in his power should do his share of the work. The control and interest of the State is, however, necessary to ensure that all shall work together, and that the efforts of some are not balked by the negligence of others. Above all, the State should watch carefully those neglected gathering-places of raging torrents—the desert uplands. The State should see that every stream is regulated from source to mouth; and where, for any reason, it is not possible to get the necessary works done by private owners, the State should carry them out.

It would appear that there are not proper facilities for those who are able and may wish to carry on a trade in water. If water is beneficial, it is worth paying for. Where a trade is established, the supply will probably be provided according to demand. At present there seem to be only two ways by which a return is got for

water-supply when the person who uses it does not himself supply it. These are—a direct tax, levied by the State; and enhanced rent, levied by the landlord. Where the concern is not carried on by the State, and where those who use it are not tenants of him who supplies, the water is received as a gift of heaven or of charity. The progress of irrigation would be greatly promoted if the supply of water were made more of a commercial business, in the nature of a service to be paid for—a business which any private person could take up.

While, doubtless, some places cannot be supplied with water, there is little doubt that a great portion of the cultivated land in most villages can be protected by water-stores from all practical danger of destruction to the crops by drought, thus removing from the ryot's mind the fear of death from that cause.

Having considered two means of giving relief from physical bonds—viz., those connected with land and water—we shall go on to consider the third means—viz., communications.

The chief civilising agency in all communities, that which binds together, educates, and enriches a people, is good communication. The great peoples in ancient days were those who used the highway of the sea and the great rivers. The greatest nation of antiquity—the Romans—

are best remembered, perhaps, for their wonderful roads. Next to irrigation, which prevents famine altogether, the best means in India for preventing the worst consequences of famine are good roads.

Now the importance of roads is not a fact which needs to be impressed at length on the mind. There are, no doubt, those who argue against roads as doing away with the ancient happy contentment with little, low prices, and peace of other days, drawing into the whirl of the great world the thousands of peaceful communities which jogged along, forgetting and ignorant, unknown and forgotten. We have all of us a hankering after the blessed innocence of Eden, where there was no need of arms or laws or commerce, and all went well. This picture of innocence, isolated, ignorant, peaceful, at its ease, is but an effort of the imagination. Wherever two human beings are, there is a contest of wills. Isolation keeps off friends as well as enemies; and of all tyrants the worst is the unchecked village tyrant. Isolation aggravates the evils of famine, preventing the coming in of aid from without; it discourages industry, for on account of it the fruits of industry cannot be exchanged; it quenches knowledge, preventing that intercourse by which knowledge is gained. Ignorance breeds cruelty,

of which the "dark places of the earth" are full.

In the English backwoods settlement, cut off from all the world, we may look for, and often find, peace and harmony, because it is occupied by English people. In the small, isolated Indian village, however, we are more likely to find fierce discord, or a master and slaves. The Anglo-Saxon races, with their free instincts, have taken the lead in developing their ways by water and land as the best guarantee of safety, wealth, and freedom.

The Government of India, to the disappointment of those who urge a bold railway policy, is, whether restrained by want of funds or by prudence, going cautiously and slowly on in its development of railways; and there is not that rush of private capital into railway enterprises in India which might have been looked for, considering the dense population and the large production of many parts of it. The hesitation of capital seems due to a healthy instinct, for the country is as yet inadequately provided with roads, without which the consumer and the producer cannot be brought together. Goods will not start on a journey at all, however long a section of it is easy, if somewhere on the line of route, whether near the beginning or near the end, there is an obstacle which cannot be

passed without unreasonable expense. In all countries, but especially in India, where the chief industry is agriculture, the beginning or end of a journey is rarely at the railway station, and must be connected with the station by a good road. Without good roads, the railway is like a shop without customers, and will not pay.

This want of roads was brought home to the Government of India by the great famines. At the time of the Orissa famine, supplies could not be got into the country for want of proper roads, and many lives were lost. In consequence of this, the Bengal Government passed an Act for providing roads, and appointed local bodies in imitation of the British Road Boards to administer the special tax raised for the purpose. These bodies have done a certain amount of good, but very much less than is needed—little more, in fact, than to open the eyes of the people to wants not felt before, which they cannot supply. What little progress they have made is coming to a stand.

It is difficult for those who have seen only India to realise the difference between the stage of progress that has been reached in England, and that which has been reached in India. Even those who have seen both countries are apt to look on the difference they cannot help seeing as one in kind and not in progress.

Yet, making allowance for the difference between an agricultural and a manufacturing country, there seems no reason why India should not be as well provided with communications as England. The only difference is, that in India roads will continue to do more work in proportion to railways than in England. The difference at present, however, is great.

England is intersected with roads, railways, canals, and navigable rivers, while its coasts are dotted with ports, each of which is a centre of busy traffic by sea. If we take at random any part of the country on the map, we find probably many harbours on the coast, some navigable rivers or canals, numerous lines of rail, and public roads so close together that no house is more than half a mile from one. Examining this area on the spot, we find that the population is gathered into towns, each of which has its streets in good order; the country population is thin, and spread over large holdings, each occupied by one man within a ring fence, and each of these holdings is amply provided with its own roads, so that every house in town and country is in contact by means of roads with the outside world; the roads are all good, solid, well-bridged cart-roads, practicable for traffic all the year round; every town of any importance has its railway, or harbour, or

both; and goods that are going any distance have seldom, in town or country, to travel six miles before they reach a railway station or harbour. We no longer hear of pack-animals or men carrying burdens. All is done with wheels.

Turning now to the Bengal district, we find a very different state of things. On the map few roads are marked, and vast areas are without railways, canals, or waterways. If we test any area on the spot, we find that of the roads marked on the map very few are anything more than tracks; many have disappeared, and their sites have been appropriated; all but one or two are passable only in the dry season, and impassable during the three months of the rainy season. A few—very few—new roads have been made here and there, stretching for long distances across the country, with no feeders. The vast majority of villages are not connected with the outside world by any proper way, whether on land or water. The towns are few and small, and the bulk of the population, ten times as dense as the rural population of England, is spread over these isolated villages. Within the village, which is about the size of an English farm, the occupation of the land is vested in many peasants; and the land of each, instead of being in a ring fence with his house in the middle, is scattered over the village among the

fields of his neighbours. The Indian village has already been described, and it is evident that public or common roads within the village must take the place of the private roads of the English farm, since every man who wishes to go from his house to his fields, or from one field to another, must cross the land of one or more neighbours. As a matter of fact, with the exception of one or two narrow and ill-kept lanes where the houses are, there are in the village few regular paths at all. On some of the ridges between the fields there are narrow tracks, along which one person can balance himself; and across the fields, after the harvest, rough tracks are made over which rude carts can pass; but they are generally crooked and round about, always rough, never more than temporary, and generally cut up with ridges and ditches made for drainage or irrigation. Between village and village, there is the same defective communication, often no roads of any kind, and where there is any road, one finds on its line unbridged ditches and streams, unlevelled ridges and ruts, unremoved rocks and boulders, growing crops, fences, uncleared jungle, marshes, new houses. The country is covered with populous villages, to get about or into or out of any one of which the people have to scramble, wade, go round about, trespass, break fences, face thorny jungle, and what not. There is only one

season when a man can go about with freedom, and that is after the crops are off the ground, and before the ploughing begins. Carts, when they can be used at all, must be rude and small, and carry loads light in proportion to the size and strength of the oxen that draw them. In many regions carts cannot be used, and loads have to be carried on men's heads, or on the backs of oxen or ponies—a much more costly way of carriage, since a pair of oxen can draw on a cart along even a bad road nearly three times the weight they can carry on their backs. Here and there at distant intervals the authorities have of late years constructed a few roads. They are narrow; some of them are not bridged; very few are protected on the surface by a hard coating from being churned into mud by the wheels of carts or the feet of animals; in the rainy season they are covered with deep mire; and in the dry, thick with many inches of dust. Yet bad as they are, they are of great use to those parts of the country which are immediately around them. They are the beginning of a great work. But they are imperfect, being unprovided with feeders, and out of reach of the great majority of the people, who to get to them would have to make their way or carry their goods over many miles of such country as has been described. If this were not so, the roads,

narrow and imperfect as they are, would be quickly destroyed by the rush of traffic that would pass over them. Enormous volumes of traffic are arrested, and prevented from even beginning to move, by want of roads to carry it up to the nearest existing road.

Now in the village, if the ryot had good roads he would have more freedom and ease, for he could drive his cattle to work or to graze; carry his crops to the stackyard; send his children to school during the rains without the risk of their being bogged or drowned; take his women to visit their friends in a cart drawn by bullocks, instead of, as now, in the more costly litter, carried by men; and get good medical aid in time of sickness. The cost of the journey, and the time it occupies, prevent the villager from obtaining and the medical man from giving skilled help, unless they are near neighbours, which means that the most skilful medical man can only have a small practice, and ignorant quacks rule the roost. Good roads to the main arteries of communication mean that the grain can be carried to market on well-laden carts, with moderate labour and at a reduced cost, and commodities brought in more cheaply; that the ryot gets a larger price for his produce, and pays a smaller price for what he buys, owing to the reduced cost of transport; that goods can be

taken out or brought in according to convenience at any time in the year; and the ways are not, as now, closed for three months in the year; that the ryot has no longer to press the sale of his crops when they are cheap; and the money-lender has no longer the power to starve him if he runs short of food. Thus another formidable strand in the bond by which he is held snaps. The main lines of traffic are for the most part beyond the ryot's ken. His goods, long before they reach the main line, have passed out of his hands into those of the traders; and the goods he is to buy must come nearer his door before he catches sight of them. It is not to be expected that he should know or care about matters so far beyond his knowledge. Yet his interests are great and direct, since the price he gets for his crops, even the supplies he gets in case of failure of his own crops, may depend on markets hundreds—even thousands—of miles away; and the price is affected separately and distinctly by the presence or absence of obstacles on every part of the long line which connects him with those markets. Every obstacle, whether an unbridged stream, a steep hill, a marshy piece of road, a boulder, a narrow place blocking the traffic, adds to the cost of transport, thereby reducing the income and increasing the outlay of the ryot. Like the veins in the human

body, like the branches in the tree, like the streams and rivers, the ways of the land must be so made and kept that its traffic may course freely and easily over the great central lines and into the remotest corners of the land. There are lines where no road is great enough to carry the traffic, and there a railway is needed. But, road or railway, canal or river, all are but means for conveying the traffic. We must carefully remove every obstacle from the path of the traffic, and that is our work. A road that is made for any other purpose than to convey traffic is but a toy, and a road that is not in a fit state to convey traffic is but a bad instrument that should be replaced by a better as soon as possible. Where there are no instruments, they should be provided; and where they are unfit for the work, they should be improved.

It will be said that this is all very well if the country could afford to spend the necessary funds; but the country is poor, and, if we make all these roads, traffic will increase, and the wear and tear, destroying the roads, will increase enormously the cost of keeping them up. News to cast gloom over a railway company, that its traffic is so great as to wear out its rolling stock and rails, and increase its actual working expenses! Why, this is prosperity, not loss. The question is not to be settled by merely looking

at the expense. We have also to look at the savings, and find on which side the balance lies. If we take the saving, convenience, and advantages of all kinds to be 300 rupees for each village of the size described above (half a square mile), the savings for the whole of Bengal from improved roads will come to some 90,000,000 rupees a-year. It would not take half of that to keep all the roads of all kinds in first-rate order. If the roads came to be used more, the profit would become greater, as well as the cost. Thus, so far from better roads meaning a loss, they mean a profit. This is not a place for going into details, but we may shortly consider the general question, and particularly how it is that if there is all this wealth in Bengal to be had for the picking up, so little has been done to secure it.

When the Orissa famine first called attention to the want of roads in Bengal, the only means of keeping up public roads, except military roads, which were kept up by the State, was the ferry fund, which consisted of tolls levied at certain ferries, whose proceeds were used for maintaining roads leading up to them. Similarly tolls were levied at one or two points on roads, and the proceeds used for the same purpose.

It was not considered in those days a duty of the State to look after the roads, and see them improved. This was a duty of the landlords,

established by Lord Cornwallis at the time of the Permanent Settlement. When we recollect how the road system of England was developed almost entirely by private or purely local enterprise—viz., by the parishes and the turnpike trusts, by the railway and canal companies—we may readily believe that the Government anticipated, as a result of fixity of land tax, and security of property in land, a similar development of roads in India. If this was so, the hopes were disappointed, whoever was to blame for it. So far from improvement, there had been a going backward. The roads, like other common land, were filched by landlords and ryots. In those days roads were little used. Indeed, setting aside the risk of total destruction by famine, there was something to be said for the old system by which every locality depended on its own resources, and there was no traffic. Irrigation works and reserve stores of grain were better attended to, and there were more industries. The industry of agriculture did not bear such an overwhelming proportion to the other industries of the land then as it does now. Famine, however, was a paramount consideration which determined the State to interfere, and put an end to the risks then existing. Commerce cried out for facilities; railways were made, and demanded feeders; Government officers were required to travel more

about, for which purpose better roads were needed; access to the courts had to be made easier; and finally, the people, wherever they saw the advantages of roads, were no longer contented with their old rude means of communication, but cried out for better roads. The Road Cess Act was passed; boards were established all over the country, and funds were provided for them to administer by means of a tax on real property. Whether the calculations of those who established this system were mistaken; or whether they all along intended that it should be only a step in advance, leading to other steps; or whether it has been worked in a manner contrary to the intentions of its founders, the present system, while it has done much good, has also disappointed hopes, and even done positive harm. It has disappointed hopes, in that many villages which had been led to expect, in the words of the then president of the Bengal Legislative Council, Sir G. Campbell, to get roads up to their own door, find that none of the fund to which they contribute is spent within many miles of them, and that there is little hope of any ever coming their way. It has done harm by making the neglected villages believe that the road tax which they pay is not spent on roads at all, but misappropriated; while the people of the villages, in whose neighbourhood it is actually spent, get the notion that

the payment of a tax, however small, entitles them to an unlimited outlay on roads by the authorities. Again, the people, seeing that the State has pointed out and undertaken to remedy the evil of bad roads, and has failed in its effort, are apt to consider that the ruling power is weak, which is a serious shock to its prestige.

Certain principles may here be stated, by neglect of which the deadlock seems to have come about, and by attention to which the road system may, without any great effort or sacrifice on the part of the State, be greatly improved.

The first principle is, that a road is a service to be rendered to those who are willing to pay for it, and that those who have the use of this service should pay for it. The service should be as cheap and efficient as possible, and the payment should be sufficient to compensate those who give the service for their trouble and expense. If this principle be attended to, we shall have no more people willing to pay for roads, or perhaps actually paying for them and not getting them; and no more people being pauperised by getting for a trifle of tax far more outlay than they are entitled to.

The usual methods of payment are the rate and the toll. The former is usual in England when the payment has to be made by a limited and definite number of persons, residing in a

small area; the latter when the payment has to be made at a particular place by large numbers of people who come from places widely separate. Examples of the rate are the parish, school, and road rates; examples of the toll are payments for the use of railways, canals, harbours, ferries, and other works. Now the principle of service has been in the Bengal districts obscured by two mistakes. One mistake has been that the measure of the service to be done is the fund available, and not the need of the service. The duty of the authorities has come to be considered not so much the provision of roads as the expenditure of their fund; and a conclusive answer to demands for roads, however needful, is want of funds. The second mistake is that the road has been looked on as a boon to be given or withheld by the authorities at their discretion. If they give, it is a matter of grace; if they withhold, no wrong is done. This way of looking at the matter destroys all notion of mutual rights and duties between authorities and ratepayers. The tax is paid because the State orders, and the road is given because the authorities so will. There is no connection of cause and effect between tax and road. This mistake has had another consequence—that the State has laid down as a principle what in England is a matter only of ex-

pediency, and in India, owing to different circumstances, is really inexpedient, that the service of roads shall never be paid for by tolls, but always by rates. There is some mysterious virtue in the rate, and it has come to be considered just that ratepayers should pay for roads which are chiefly used by others; while those who use the roads are condemned often to put up with very bad roads, and are not allowed to pay for getting them made better, though they would often be glad to do so. If we had the payment proportioned to the service, and the service improved in proportion to the payment, and if those who use the roads were enabled to pay for the use in the manner most convenient to themselves, we should probably find an enormous increase in the resources available for improving and maintaining our communications, and a very great improvement in them.

The second principle is, that the connection between payment and expenditure should be made visible, so as to be understood by the people. At present the budget area in Bengal is from 1000 to 10,000 square miles in extent, and within this area one rate only is levied. The people who pay this one rate live in thousands of different villages, and the arrangements for spending the fund are made without any

reference to them. Indeed, in so great an area, with circumstances and needs so various, any attempt to consult the various people concerned must end in confusion and bewilderment. But in such circumstances the arbitrary exercise of will by the authorities often works injustice to the ratepayers; and on the plea, which may be true, that the money can be more usefully spent elsewhere, their taxes are not spent for their service at all. This has become a crying scandal in many districts, and should be stopped. The best way to stop it is to reduce the size of the budget area to something more like the parish or road district of England. If a separate account be kept of all receipts in an area of say seven, or thirty, or a hundred square miles, and all those receipts are spent within that area, it will not put an end to grumbling, but it will at least afford a reasonable answer to grumblers, and a means will be indicated for setting right what is complained of. When we have separate budget areas of small extent, and a separate rate and fund for each area, it will be very much easier, by raising or lowering the rate, or by other means, to adjust the income of the fund to the needs of that area, than when the single rate is levied over a very large area at a time, and must be raised or lowered or retained for the

whole of that area at once. There should be a separate budget for each area, and that budget should be carefully explained to the people.

The third principle is, that good roads are needed everywhere and in all communities of men. The cost of making or keeping them up may vary with local circumstances and the traffic on them; but in the villages and between them, and between the villages and the great centres, roads are needed, and should be provided. Several causes have combined to darken this principle. The first is the ignorance of the people. Until the State took up the question, the people themselves did practically nothing to show that they valued roads, or that roads were useful to them. Here and there, something was done; but as a rule, neither were the roads kept open, nor were they repaired, nor was there any general expression of discontent with their absence. When the State took up the question, its main object was to have means of throwing supplies into the country in times of famine. The only persons in the district who travelled about to any extent were the Government officers. They naturally paid attention to those lines of road that were most useful to themselves, and these perhaps were also the most generally useful to the public. But these limited views obscured the important fact that

there are other uses for roads than to throw in supplies in time of famine, and to enable Government officers to travel about rapidly.

A second cause of obscurity was the tendency to confuse cause and effect. Naturally the roads first made became important lines of traffic, because roads draw traffic. In the Indian district officials are so frequently changed that historical continuity is difficult to preserve. A new official, seeing a road conveying much traffic, is apt to conclude that the road is there because of the traffic, while in fact the traffic is there in consequence of the road. Traffic is goods and persons in movement, and as a road makes movement easy, there is traffic where there is a road, and where there is no road there can be no traffic. But the cause of the absence of traffic is nearly always absence of roads, and to refuse roads to a populous district on the ground that it has no traffic is to prevent the removal of the cause why there is no traffic. The road is not the effect, nor is it exactly the cause of traffic, which lies in the wants of men; but so general are the wants of men, so sure is traffic to spring up if the difficulties in its way are not too great, that we may pronounce the absence of roads to be the chief cause of absence of traffic.

Another cause of obscurity is the fact that the State authorities have not found it convenient to

supply the want of roads, and have therefore done their best to prevent the want from being felt. The proper course would have been rather to encourage the feeling of discontent, and concentrate attention on the best means of supplying the want. We too often find, however, that officials measure the wants rather by the means they have of supplying those wants than by the actual need, and endeavour to persuade people that the starvation rations provided for them are an ample and sufficient feast. This attitude has greatly hindered progress in the work of discovering an efficient remedy. When a patient is met by the doctor with the assurance that he is all right, and has nothing the matter with him, the cure cannot be gone on with.

Another cause of obscurity connected with the second and third is, that no sufficient allowance was made for the growth of traffic with facilities. A few roads were made at the beginning, and it was anticipated that year by year new roads would be made as the old were completed. But it came to be seen that no road can ever be finished and done with. Traffic passes over it; it is worn out and needs repairs; the volume of traffic increases, and it needs more repairs; feeders are made, and still the traffic, and with it the cost of repairs, grows. It is a never-ending, ever-growing expense, which can only

be limited by digging ditches or putting up fences across the road, or in some such way limiting its usefulness. From the track over which the newly released traffic began to trickle to the great highway over which it roars in a mighty flood, the road grows, and is bound, if properly managed, to grow. But this has not been taken into account. The only means that seem yet to have been adopted for providing for this inevitable growth has been to sweep in and throw on a busy line of traffic the funds that ought to have been spread evenly over the whole country; but even then the funds are wholly inadequate. So the roads that have been made are growing worse instead of better, as they become useful; while large neighbourhoods are growing sick with hope deferred for those roads which were promised but never come. We hear instead hopeless arguments to prove that since this road has a volume of traffic greater than that road, that road may be neglected and this supported, while it is certain that every road is useful and necessary in its degree. This timid and false manner of treating the problem should be abandoned. If the whole of the traffic on all roads were a fixed quantity, so that an increase in one place meant relief somewhere else, something might be said for the present system of having a practically fixed fund, which is distrib-

uted where most needed, and a larger share of which cannot be allotted in one place without the share of another being reduced. But traffic, so far from being a fixed quantity, grows rapidly when good roads are made for it; and the growth of traffic on a road, so far from being a sign that there is less going over other roads, is a sign that there is an increase of traffic on every road connected with that road. We must have a fund which will enable us to keep pace with a traffic likely to grow greater on every road in the country—a growing fund for a growing traffic. Growing traffic means prosperity, and the cost of providing ways which will enable it to move is to the saving it makes no more than the seed to the harvest. The poverty of India, far from being an argument for starving her roads, proves, on the contrary, that she cannot afford to do without them. Only, as the increased cost of a road cannot be met from savings made on roads elsewhere, it should be met as far as possible from the savings effected by the road itself. Those savings are enjoyed by the persons who use the road, and the fund for a road should be contributed by the persons who chiefly use it. Thus it would be proper that purely local roads, which are used by those who live in the immediate neighbourhood only, should be maintained by a rate on the inhabitants, because this would be

cheaper and less vexatious than a toll; while in the case of a road chiefly used by people from a distance, a rate on them would be difficult to assess and collect, and a toll would be the fairer. These are the three main principles, then, which should be acted on with regard to roads:—

First, A road is a service to be rendered to those who are willing to pay for it, and those who have the use of this service should pay for it. The service should be as cheap and efficient as possible, and the payment sufficient to compensate those who gave the service for their trouble and expense.

Second, The connection between payment and expenditure should be made visible, so as to be understood by the people.

Third, Good roads are needed everywhere, and in all communities of men.

If these principles are acted on, we are likely to see a vigorous growth of road systems and traffic throughout the country, and the principal lines of traffic will, by a natural process, come to be served by railways, capital for which will not be wanting when the feeders and the traffic are seen. Better communications, when they come, will burst the bond of isolation by which the great mass of the ryots are held.

We have now considered the three means of relief to physical bonds—viz., those connected

with land, water, and communications—which can be applied by the State and the State only. The first can be applied by the State only, because there must be a law before it can be applied; the second and third, because they require united action among many people over vast areas. As will be seen later on, there is reason to hope that none of them will involve minute and continued interference by the State through its own servants; but the people themselves may be enlisted as allies and fellow-workers of the State in carrying through works which are so greatly for their own benefit.

So great a change would these improvements make in the country and in the people, that it seems hardly profitable to suggest other and minor changes for the same purpose, which may occur to the thoughtful mind. These are enough for a generation.

CHAPTER VIII.

SOCIAL REFORM.

We have been considering what may be called physical bonds—the bonds created by physical conditions. We come now to bonds which have grown out of the neighbourhood of men to one another. These, too, are natural bonds; for men, wherever they live in contact, influence one another. We cannot have a state of society without bonds. If one bond is destroyed, another will come into being and take its place. We are then to consider, with reference to social bonds, if they can be interfered with; and if they can, whether and in what way they ought to be touched.

Perhaps the best way to find an answer is to regard the communities as bodies. In a former chapter it was said that the peoples of India, in so far as they are not free, are out of health, and the work of the British nation is to restore them

to health. Among the various ailments from which they suffer are the social bonds already described.

If we ask a Hindoo or a Mussulman whether the strongest bonds, — those which hold them tightest—viz., the caste system and the degradation of women,—can or ought to be loosened, the Hindoo will tell us that caste is an institution from all time to all time, which cannot and ought not to be done away with; while the degradation of women will be pronounced by the Mussulman part of the law of God Himself, which no man can change. But the British policy in India is founded, not on the faith of the Hindoo or the Mussulman, but on the faith of the British nation. That faith is that the natural and healthy state of all communities is a state of freedom; and that anything in the system which interferes with freedom is unnatural, and can be cured. When, therefore, we find social customs inconsistent with freedom, we are entitled to believe them capable of removal.

There are various ways of dealing with them. There is the logical way. Either a thing is right or it is wrong. If it is right, enforce it; if it be wrong, put it down severely. That way, however, not being the British way, we may at once set aside.

There is the policy of non-interference, leaving things to right themselves, and only putting

forth a hand to prevent conduct which is criminal, or a danger to the general public. That is the policy which we have carried out in the past.

Lastly, there is the policy of enlightened sympathy, neither using force nor withholding aid, but acting like a kind neighbour who wishes to do what he can for the good of those around him, or like a good physician, who is ready when called to give patients the benefit of his skill. This figure of a physician perhaps gives the best idea of the proper manner in which the State should deal with the social diseases of the people.

That the physician may be able to do good, three conditions must be fulfilled. There must be the patient suffering from a disease which he believes to be a disease, and from which he desires relief; there must be a physician with skill, resources, and goodwill properly to treat that disease; and the patient must have faith in the physician. As a result of these three conditions, the patient will go to the physician and place himself in the physician's hands to be cured. The physician must wait until the patient comes before he can begin his treatment. All idea of compulsion is excluded from this way of management. There are persons, such as dangerous lunatics and those suffering from

infectious or contagious diseases, who must for the public safety be put under restraint. Similarly, some social bodies, like the Thugs or stranglers, criminal tribes, and Wahabis, have to be kept under restraint. But, with this exception, just as human beings who suffer from disease are left to themselves so long as they commit no crime, so those social bodies which suffer from social ailments must be left to manage as they think best. Until they come to the State and ask for its direction and help, the State may lament their sufferings, but can do little to help them. As a patient who has no belief in his disease, no wish to be cured, and no faith in his physician, will not obey the directions he gets or take the remedies prescribed, so the society on which a reform is forced against its will is not likely to be much improved thereby.

But though the ruler cannot with propriety, as a physician, force his remedies on the social bodies, his patients, he cannot hold himself free from responsibility for them, seeing that he is master of the house. He should see that the house is kept clean and wholesome; that all its occupants have at least proper opportunities for doing their work, and ready access to food and other necessaries of life. He should see that oppression is not allowed, and banish its

great friend ignorance, enlightening all as to their rights, and putting them in the way of asserting their rights. He should be particularly careful himself that, as master, he does, or permits to be done in his name, nothing that will in any way be prejudicial to the health and welfare of the inmates of his house, and must make himself easy of access, ready to listen to complaints and redress wrongs. We are now to consider how the State, as master, is to prepare the way for the State, as physician, to attack the social diseases from which the people suffer. We have found that there must be patients who suffer and physicians who can cure diseases. This implies knowledge of the people, and that is gained by close study. In England we have got so used to people crying out when there is anything the matter—there are so many kind neighbours to call attention to the troubles or wants which are to be soothed or supplied by the State—that we are very apt to think silence means content. It does not always mean content, and still less does it mean health. The patient may be in a dull lethargy, which is in itself a disease, or he may have no hope of being cured. The blind man by the wayside only began to cry for help when the Son of David passed by. It is the business of the State not to wait until there is among the

people a movement, a cry for relief, resting content in ignorance of their wants until they do cry out, but to study them, to learn all about them, and to tell them in the wisest way, with much tact, so as not to offend their prejudices, what is wrong with them, and where they should go for help. The State may not send out bands of missionaries to preach politics among the people; but still it should have agents whom it can trust, and who, studying the people for themselves, will be able to plant, as it were, the leaven of knowledge in the minds of those whom they find ready to receive it. If there is found even one who will take in the truth, and if indeed it be the truth, there is hope that it will live in his mind, and spread to others. No doubt it is better that the people should find out the truth for themselves, and that the State should have nothing to do with imparting it to them; but in India, the British nation, as master, wishes to restore to health the peoples who are its subjects, and must at least learn what is wrong, and discuss it with them.

Then, again, as to the physicians. The cure cannot begin unless we have, as was remarked before, skilful physicians. Here too it would be preferable if we could find among the people themselves men qualified and willing for the work. The work would then go on more quickly

and better. While, however, no opportunity should be lost of enlisting the services of every one among the people who can be of use, the State should see that qualified agents are everywhere within reach, ready to attend to all who may come with social diseases to be cured, and able to treat those diseases. They should all be qualified, and all trustworthy. Better no agent at all than one who is not satisfactory; for one such man would destroy the faith of a whole neighbourhood in the goodwill and the power of the State. The State should make sure that its own agents, whether paid or volunteer, are as well qualified for their work as those who hold the diploma of one of the great medical schools are qualified for theirs, and should exercise over them as close a supervision as the great medical societies exercise over their members. The reputation of the State is made or marred by its agents.

The physician must keep up his information on the last new methods of treatment, must have good drugs, and good compounders who understand and can prepare them. He must have the utmost discretion to order or to refuse any particular kind of treatment. He must, in short, be put in charge of his case to do what he likes with it. The medical man who should require guidance from a distance would not be

thought fit for his work. If he is to be more than a mere druggist, dispensing the compounds of Professor Holloway, Mr Cockle, Mother Siegel, and such benefactors of mankind, the social physician must be allowed to give his patients what he thinks proper, when, how, and in what quantities and shapes may seem to him best. There is a tendency in the work of the State at the present day to concentrate the brain work in a central head, and to employ the officials who are spread over the country as so many hands, acting under the direction of the central brain, without much intelligence of their own. Original thought and action are considered rather in the way than otherwise, and the qualities most valued by the authorities are prompt obedience and good discipline—the qualities of a machine rather than of an intelligent man. A machine can do much, but it cannot effect a cure. For that there must be intelligence, tact, and sympathy, none of which a machine has. The State, therefore, if it wishes to effect cures of social diseases, must abandon this policy of a centralised brain, and spread abroad its brain power throughout the country, placing each case in the hands of an intelligent and skilful agent, who is in a position to watch and manage it, and leaving him full discretion to deal with it as he may think best.

Again, the social physician should not be required to undertake a case unless he is able to give it sufficient personal attention. Of late years work has been accumulating on the shoulders of those who in former days studied the people and knew their wants, so that they are now no longer able to devote themselves to this important work. They learn laws and rules, and go through much drudgery, but know less of the people, and have less sympathy with them. Setting aside the question whether the work they do is more or less important than the work of the social physician, we may be sure that if the latter is to be done, the whole time of those who are to do it should not be occupied with the former.

Having now the willing patient on the one side, and the competent physician on the other, we are next to see how the patient is to be brought to have faith in the physician, so that he may come to the physician. In the first place, the physician must have honour and confidence from those who send him,—not the mere empty honour of titles, not the confidence that a man has in a servant who will blindly obey his will; but that honour which consists in paying deference to his opinion, and confirming his acts—that confidence which is shown by giving him discretion to do what he thinks

best, and letting him alone. The kind of work he has to do cannot be done by a man who works under military discipline, and is compelled to make perpetual references and applications to others. If he has to do this, it must be because he has not the confidence of the State; and that being so, there will be little wonder if he fails to attract the faith of the people. Again, the physician must go about, so as to see and learn the people, and be seen by and become known to them. There is no means of enlightenment so effectual as the contact between human mind and mind. The social physician, the medium through whom the State conveys the truth to the people, will, if the kindly, sympathetic, and enlightened man he ought to be, not only teach but learn. He will gain the liking, respect, and faith of the people. He will begin his teaching before they know it, following the example of the Great Physician, who went about among the simple folk without any fuss, telling stories and answering questions.

We will suppose that the physician has begun to receive patients—communities with wrongs to be remedied or wants to be supplied. His first step will be a careful personal and local inquiry. The wise physician will never on any account dispense with a personal interview with his patient, for he well knows that patients will

often, sometimes from ignorance, sometimes of set purpose, from shame or some other motive, misrepresent or conceal facts which make all the difference in the plan of treatment that should be adopted. He who is to deal with a community cannot be too careful in making sure that he knows the facts before he begins his treatment.

There are causes of disease, such as dirt, bad habits, want of exercise, bad food and the like, which need rather mechanical than chemical treatment. Mechanical differs from chemical treatment in that it can be administered without the co-operation of the patient, and is therefore easier to apply in the first stages of treatment. It is often necessary that this should precede the other form of treatment, before the latter can take proper effect. Of this nature are the measures proposed for dealing with physical bonds — measures needed everywhere, and to be provided as soon as possible for all—measures whereby we should see health improved generally and the physician's task lightened. The physician's first business when he takes up a case should be to see whether all these means of health have been provided; and if they have not been, he should begin his treatment by getting them provided. The faith of the people would more readily go

forth to him if they were to see that in these matters he took a keen interest and was able to exert a good influence.

As regards what may be called the chemical treatment, that cannot be undertaken without the goodwill and co-operation of the people themselves who are to be treated. It needs not merely knowledge, but experience, and the tact that comes of experience; and above all, that crowning quality of the physician, love or sympathy. It requires also that the physician have a good supply of proper means. If he have knowledge, tact, love, and means, he is ready to do all that man can do.

He need not tell his patients why he does this or that, or what effect he would produce, nor even explain what is the matter. It is enough if he himself is satisfied what is the matter, and what is best to be done. He will then simply tell people what to do, and they will see for themselves what happens. He will give them their medicine, as did the Great Physician, in such forms, like stories, that they will hardly know it is for their good and not only for their amusement.

One chief difficulty that a physician often has with his patients is, that they will not follow his directions. He gives them medicine, but they neglect to take it; he forbids their taking this

or that, and they take it; sometimes he finds that they are taking quack medicines which interfere with his. Sometimes there are religious prejudices which prevent his applying the treatment he considers best, or the treatment may not be suited to the constitution of the patient. As with the body, so with society, the physician must strive in all possible ways to overcome or get round the obstacle. If it cannot be removed, and renders the case hopeless, he must, giving up all thought of force, leave the patient, telling him why, and go on to some more hopeful case. Often the example of others who take it will, where reasoning has failed, make a stubborn patient think better of the advice he scorns. Most useful, and in harmony with human nature, is the attitude of indifference assumed by the seller in the market. It will remove from narrow and ignorant natures the suspicion so readily aroused when great eagerness is shown by the well-meaning man in persuading his neighbours to do something for their own good. Such eagerness is generally looked upon as a sign of some secret selfish motive, and suspected accordingly.

Without going into particulars as to the various moral medicines that should be used, we may summarise the work of the good social physician by saying that he should cultivate all the virtues, for virtue is health, and destroy all

vices, for they are disease. He is not to be discouraged if his task advances but slowly; nor is he to be constantly holding before the people his own lofty standard. Like the guide who leads to the top of the high mountain, it will suffice if, while knowing the whole way himself, he point out where next the foot is to be planted, and he may be happy to see it planted there. By many little steps, undreamt-of heights may be attained. He must beware of imitating those false friends of the people who tell them they are at the top when they are but a short way up, discouraging further effort. Progress, continual progress, is to be urged. The reason why the ignorant and lowly are more ready to take in new teachings than the learned and the proud, is that these have, as it were, climbed on to little knolls on the hillside, and cannot go higher up towards the main summit without first descending from the height they have reached—a hard thing to do. Not until, perched on their little hillocks of wealth or learning, power or fame, they see far above them on the main hill the multitudes that were but now below them, do those on the knoll resolve to make the sacrifice, descend, and follow those whose leaders they were. When a man is proud of his wealth, his knowledge, his piety, or his goodness, it is generally because he has got lodged on one of these

hillocks and sees nothing above him. We need everywhere among the people men whom they will listen to, and who shall call down from their hillocks those who, having followed the wrong paths, have prematurely risen too high; men who shall warn the many that are struggling to displace these people from their mounds (and there is always a fierce struggle for the possession of the mounds), that this is not the top; who shall guide men as far as possible in, and prevent their going astray from, the path of progress. The task of these guides or social physicians is to raise the whole people in moral health, to give them virtue, and to free them from the bonds of vice.

There is one moral medicine which we ought perhaps, before concluding this chapter, to discuss in particular, and that is education. In India, education, as it is called, was always considered by the Hindoos as a caste privilege. It meant the training of the lettered castes to earn a living by their knowledge of reading and writing, just as a potter earns a living by his knowledge of the art of making earthen vessels. The Mussulmans, again, believed the Koran to contain all wisdom, and their education was to learn that holy book off by heart, seldom knowing its meaning. There have been and are among Mussulmans and Hindoos men of great learning and

noble minds, but for the people there was and is no education as we understand it. What, in fact, is the meaning, to the Briton, of education? It means training the body, the mind, and the spirit; giving men the use of all their faculties. Every man and woman is born with a body, a mind, and a spirit. There is no difference in nature between those of the meanest negro in Africa and of the noblest among the British race. There is indeed a difference in development, in degree, due to differences of training, tradition, climate, and other causes; but the British faith is that there is essentially the same nature of body, mind, and spirit in every human being. Education means *drawing out.* The word has been appropriated by the schools, and often used as if it meant *filling up;* but to educate means to awaken, and bring to life all the already existing faculties of body, mind, and spirit.

Every man from the cradle to the grave is going through a process of training. There is training that stunts the good and brings out the bad, that destroys life; and there is training that removes what is bad and develops what is good. This last is education in the best sense. The child, the youth, the man or woman should be surrounded with good influences from birth onwards, and thus developed into a useful citizen.

Education may be described shortly as the instilling of wisdom and understanding into man. Here our greatest difficulty arises, for there are reasons why full effect cannot be given to the British faith as to what is wisdom and understanding. "The fear of the Lord," says the wise man, "is the beginning of wisdom, and the knowledge of the holy is understanding." The British faith is a religious faith, and the British Government is pledged to stand neutral in matters religious. Though deprived of our greatest force for good, let us see if the same work cannot be expressed in secular language. We want to make a "*gentleman*," in the best English sense of the word, of every man in the country, a work very different from, and more serious than, the mere teaching to read, write, and cipher—a work which has never fallen upon the State in England.

In England the vigorous health of the nation has been manifested in nothing more signally than in the fact that from the people themselves the men for the work of social physicians, guides, and teachers have arisen. Noble and wealthy, poor and lowly, learned and wise, simple and ignorant, have all taken their part, teaching by precept and example courage, devotion, and charity. The soil of England has been kept free from the foreigner and from the

domestic tyrant; the homes of England have been kept pure and full of love, fountains of honour; the people of England have been inspired with a passionate love and reverence for freedom; because there has ever been among them that leaven of strong, courageous, wise, loving, devoted, and good men which sends the life coursing through the veins of the nation, and is her heart. Her wealth, manufactures, and trade, her fleets and army, her railways, her colonies and empire, are as nothing. "All these things follow after" this free national life which she owes to this brave heart of hers.

In India this leaven, this heart, though we believe it to be there, is not strong enough to act, and the action of the State as physician is needed to awake it into activity. This is not to be done by multiplying schoolmasters. These, unless of a very different stamp from those now employed, will for the most part, even when they do all they can, instruct but not educate. But however good a schoolmaster may be at his work, his part in the education of a man is very small. Of all the influences which are concentrated on every man from birth to death, one of the least potent and abiding is that of the schoolmaster. His parents, brothers, sisters, relatives, neighbours, companions; his employers and those with whom he does business; his wife and children; his circumstances, health, and ex-

periences; what he takes in by the eye, the ear, and the other senses; the opinions and tales he hears; the success or failure of falsehood, fraud, violence, and wrong on the one hand, or of goodness and virtue on the other, — all these and other facts too numerous to mention are continually working upon every man, shaping his faiths, hopes, fears, loves, and hatreds. The world is made up of men and women, each individual of whom is undergoing a training for good or evil. There is nothing for it, if the social health of a community is to be improved, but taking its members one by one, and gaining their spirits, so that each man as he is gained may become a centre of influence to gain others.

The spirit of the man, which we want to gain, is something quite apart from his calling, his learning or ignorance, his birth, or any of the accidents by which he is surrounded. We want to effect a breaking down of barriers between spirit and spirit; to bring about a unity of spirit underneath the necessary varieties of outward life; for without unity there can be no freedom.

The State can, among such people as the natives of India, itself set a powerful example, and make a good beginning by seeing that its own trusted agents, whether paid or honorary, shall be no mere specialists each for the duty he is engaged on, but shall also be qualified for this general work of social physician; so that by their

good example and advice man after man may be gained to the cause. The proper performance of their official duties will in itself be a strong influence for good; but of hardly less importance is it, in this land of caste and divisions, that people should be made to see, as it were, coursing through the body of the State the same blood of life, and animating the many members of this body the same spirit. Each, as he has opportunity, should make it his business to push on the education of the people by teaching them to think, understand, and be wise; putting into their minds noble thoughts; inciting them to good deeds; dissipating error; driving out fear; cultivating love and charity, faith and hope. But progress will be slow until the people take up the work themselves; until there arise among them teachers who shall everywhere push the cause among the children, the women, and the men. Not through the schoolmaster can this training be carried on, but through parent, wife or husband, children, relatives, neighbours, and companions. Every one can do something. When the work is fairly established, and there are enough of qualified men and women of the people earnestly carrying it on, the servants of the State in India may subside in social matters into the same position as in Britain. But that time is not yet.

CHAPTER IX.

CENTRAL AND LOCAL GOVERNMENT.

WHETHER a people be dependent and despotically governed, or independent and self-governed, the government may be bad or good. It is the duty of the British nation to see that, while the peoples of India are dependent on Britain, they shall be well governed. We have already seen that the great aim of the State should be that each individual among its subjects is made free, in the widest sense of the word. This is not the same thing as making the people collectively independent. As the best chance of restoration to health which a sick man has is that he should be taken in hand by a skilful and loving physician, so the best chance of freedom which the peoples of India, tied down by many bonds, have, is that the British nation should take them in hand and deal with them. This should be done with the honest wish not of gaining profit for the physician but of doing good to the patient.

Our wish being to work on the people singly, man by man, the question arises how far this can be done by the State. The chief and most important agency for promoting the health of the communities are the private workers—the missionaries, merchants, manufacturers, teachers, and others who plant the leaven which will in time spread through the lump. Every servant of the State, in his private capacity, can and should take his share in this work. By example, precept, argument, and criticism, they can open people's eyes to the possibilities both of acquiring good and of escaping evil. The main object being to awaken, nurse up, and develop into vigour the civic life of the people, the private action of individuals has far more influence if it is not being continually backed by official authority. We desire to "make men to have liking." That they should take food and strengthen themselves for doing their business, they must not merely have food but appetite, so that they may eat and digest their food with a relish, and get the good of it.

There are four conditions favourable to the existence of a liking or appetite for anything new that is good. The first is knowledge of it; the second, a feeling that others like it; the third, a little trouble in getting it; and the fourth, a reasonable hope of enjoying it when obtained. Once

the good thing has been obtained, custom will generally make it indispensable.

Reforms do not generally begin with a majority. Most reforms owe their origin to some single person, who has the wit to see what his neighbours want long before they can see it for themselves. He has sometimes many years to wait before any one will see the merits of his plan, but all at once people take to it, and that which he vainly strove to push into favour; which men would not see the good of; which it seemed that only his persistent support prevented from going down out of sight, all at once becomes independent of his help, and needs no support from him. Now this introduction of new ideas is a work which, while as an official he could not profitably undertake it, yet as a private person the servant of Government can often do with the greatest advantage, and a few hints as to how he should set about this work may not be out of place here.

In the first place, the person to be dealt with must be carefully and lovingly studied, and thoroughly understood, before any attempt is made to improve him. We shall then be in a better position to say in what ways he needs improvement, and in which of those ways he is ready to be improved. Forcible beneficence, if it sometimes succeeds, is risky; it often fails; and, even

when it succeeds, destroys the strength of will which is essential to freedom. We should therefore be guided in our action rather by the opinions and likings of the people than by our own.

The fisherman, who suits his bait to the fish,—the money-lender, who studies, encourages, plays upon and uses the weaknesses of his victims,—give examples which the wise man will do well to note. They try to develop and take advantage of the weaknesses of their victims for evil. The wise man must similarly try to develop and take advantage of the weaknesses, or rather strengths—leanings towards good—which are to be found in every man.

Exercise gives strength, and strength the power to act. No matter in what particular way the will begins to act, whether in sport, or industry, or travel, as its languor and numbness wear off with exercise, it will come to act in all manner of ways. The great thing is to get men to do things—to act of their own free will with a relish which makes them independent of help, instead of being continually heaved on by the energy of others. Success in one work will induce them to try another.

One trait of humanity which is common to all men, especially when they are, as most men are, dull, ignorant, and narrow-minded, is pig-

headedness. This term is used in preference to tenacity or obstinacy, because it includes not only those qualities but that contrariness which is so well illustrated in the laughable practice attributed to Paddy of pulling his pig back with a string when he wants it to go forward. If we want to confirm a man in an opinion, we have only to argue against it; if we want a child to long for a toy, we have only to take it away and forbid him to touch it. A little well-timed opposition will often be far more effectual than any amount of dragging or pushing. Men like their own way, and like to get it in spite of others. The only limit to opposition as a useful means of arousing interest is that it should not be so strong as to destroy hope.

Coming now to authorities as distinguished from individual workers, we have to consider the attitude of the State towards the people. The reason for the existence of authorities is twofold—viz., the prevention of disorder, and the service of the people. In its capacity as preventing disorder, the State has to see that no subject so exercises his will as to interfere with the freedom of his neighbours; in its capacity of public servant, it has to see that where any body of subjects have a wish for a lawful service, they are enabled to get it. The State exists for the people. The great end of the State being

the freedom of the people, and the best way to bring that about being to encourage the exertion of will and consequent action among them, the State should take every opportunity of enlisting them, whether as individuals or in groups, as its allies and fellow-workers.

In England, where the State and the people are one, and the State seldom takes action unless it be to carry out the will of the people at large, there was always the utmost jealousy of State interference. Everything almost was done by private enterprise, or by local authorities. In India, on the other hand, the custom always was to leave everything to the State. Probably the vast masses of the population, and the different values assigned to men according to caste or position, prevented that high value being set on the individual, however low in grade, which is the distinguishing mark of British civilisation. The oriental regards the will of the despot, and pays little heed to that of the individual subject. In England there existed first the wish, or will; then action was taken to carry out that will, by private enterprise, or combined public action. Thus justice was desired, and the people (in whom all estates of the realm are to be included) appointed officials to see this done. Again, for feeding the poor, for mending and making roads, for managing schools, there was first the wish,

and then the authorities were appointed to carry out that wish.

In India there is a standard—viz., that of the ruling power, or despot, the British nation, on the one side; and, on the other, there are the many communities of people without any clear standard at all. There is the master of the house, having very clear and decided wishes, and energy enough to carry out those wishes; and there are the numerous inhabitants who know or care very little what they want, have few wishes, and no energy to carry out what wishes they have. They are accustomed to be ruled, and their instinct is to yield rather than to resist when any one claims mastery over them. The easiest way, in such circumstances, to govern the country, is for the State itself to do all the work that needs doing, and rather to suppress than to encourage desires for service. Some allege, with much truth, that every service rendered or allowed to be rendered by the State is turned into a means of oppression and extortion; and so vast are the numbers of the oppressed, so defenceless are they, so small are the resources of the State in time and men to cope with these evils, that its only way of destroying the oppression and extortion is to destroy the pretexts for their infliction. But this is committing moral suicide to avoid moral death.

Death is not so avoided, for where there is no strong, active, ruling will, a perpetual, restless struggle for the mastery is going on among the various local leaders, and that, too, involves oppression and extortion for which the State cannot disclaim responsibility. The only way, in fact, to destroy oppression is to develop the will power of the people one by one; and that can be done, not by suppressing wishes, but by encouraging them and getting the people themselves to carry out their own wishes. Oppression and extortion are chiefly to be feared when the State, under the impression, because it thinks a thing ought to be done, that the people are sure to wish that thing to be done, makes over the work to persons whom it does not itself control, and who are not under the control of any other authority. The people, on the one side, their natural instinct being to obey the ruler, yield these authorities ready obedience, in the belief that they are acting under the control and with the support of the State. The State, on the other side, refrains from interfering with them, in the belief that they are being controlled by the people. Thus are set up despots who, posing to the people as agents of the State, and to the State as representatives of the people, impose their own will on both.

Before a work can be done, it must be under

the control of a single will; and the test of the question what works should be left to private enterprise, and what left to local and what retained for central authority, is the extent to which a single will is needed to bind. Thus, in foreign affairs, foreign countries cannot be expected to deal with sections of the country, but will demand that whatever agreement is made or negotiation carried on should be binding on the whole. On the other hand, trade generally can be left in private hands. Again, many services can be left in private hands, but there are doubts as to whether such services as railways should be in private hands or in those of the State. Private management will make them more efficient, but yet they involve a monopoly and the right of interference with the property of others, neither of which it is safe to leave in the hands of private persons. There are numerous public services, such as roads, water-works, schools, and others like them, which require a single local will, and which, as involving monopoly and the right of interference with private persons, ought to be retained in public hands. These can be properly left in the hands of the local authorities. Other duties and services again, while the single controlling will for the whole country is needed, have to be administered through many agents. Of this nature is the law.

For the business of the State, agents, for that of the locality authorities, are needed, and we shall now proceed to consider in what way these agents and authorities are to be found. In this chapter special reference will be made to local authorities who, as will be seen later on, may be got in some ways to replace the agents of the State, and in some ways to help in their work.

We may begin by assuming that in every community there are those who, whether acknowledged by the State or not, can give orders, and get their orders obeyed. There is in all Eastern communities the place of master or despot, which, if not efficiently held by a public authority, will be certainly held by one of those local despots who have been described in the chapter on bondage. The law itself may be made a fearful instrument of tyranny, unless it is carefully, honestly, and efficiently administered. We have, therefore, to see whether efficient and trustworthy local authorities can be found able, as representing the local will, and as agents of the State, to take the place of influence among the people held by the various irresponsible private persons now wielding power over their neighbours. There is somewhere a book which describes in an allegory the struggle of the virtues and the vices for the human soul. One weapon, for the possession of which they are constantly

striving, is called the Will, and the side in whose hands it is prevails. The result of our struggle with bondage, like that of the virtues with the vices, depends almost entirely on whether we can gain the will of the village. We assume that all communities, when in a state of health, that is when free, prefer freedom, and will struggle to avoid bondage. We must assume, if we enter on the attempt to make the people free, that they will stretch out their hand, and take the blessings placed within their reach. There will indeed be hesitation and delay, it may be for generations. When the Israelites were freed from bondage, not until all those who had been in bondage were dead, and their place taken by their freeborn children, did the nation gain courage and a free spirit. We should begin from the beginning by so arranging our plan of work that, while irresponsible local tyrants have no room to oppress and extort, every facility may be provided for the appointment and development of persons, who, whether as local agents or local authorities, may fill up the place the irresponsible tyrants now occupy. This means that for the present, at least, the British nation will retain in its own hand and under its own control very full authority. Even the hottest Radical will allow that an architect who is building a house may put up a scaffolding around it.

The first question that arises is what should be the unit of local government—that is, the area under one authority. In England it is the parish; in France and Continental countries, the commune. The area of this unit is generally such that it can be traversed by a man walking in a short time, and this ensures free intercourse and a common will to the inhabitants, while those who execute the will are close to their work, and easy of access. They can attend to the business of the parish or commune without neglecting their own. We find in all parts of India an area which has always in the past been, and still in the present day is looked upon as a unit—viz., the village. We have already seen how necessary it is that the village should be under a single head, and one of the proposals made has been to recognise, or where it does not exist, create the office of village headman. This is the foundation of the local authority. The headman is to represent the village very much as the master of the house represents the household in the English system. Only, as the headman's title is not derived from nature, and his office gives him the right of interference with others, he should be responsible to, and liable to be removed by, the State. He cannot, in the present elementary stage of society, be held answerable to the villagers by being made subject to

periodical elections; for there is no one with time and position to hold the many elections that would be needed, and the office would get under the control of jobbers and wire-pullers; and if he were made answerable in the law courts, he or his opponents, or both, would be ruined with costs. Therefore, as discipline requires that he should be answerable to somebody, that somebody should be the State. In the East, people do not understand divided authority, so naturally he who is head of the village for one purpose should be head for all. He should manage all the common duties and services of the village, and should also act as agent of the State so far as the State needs an agent, not its own servant. With regard to the latter class of work, we shall see, when considering the duties and services of the State, what great use may be made of the village head.

We have now obtained a unit of local government on a principle which, while thoroughly satisfactory, enables us to ignore all those barriers of religion, caste, and other causes of division which we wish to break down—the principle, namely, of neighbourhood. Dealing with the villages, for all purposes of private right, as separate, we may join them for public purposes, as farms and villages in England are joined in parishes, constituting their several headmen into

boards, or, as in India such combinations are generally called punchayets, five or six villages or large wards going to a group. This amalgamation would prevent the one-man power, which is a great enemy of local freedom; would ensure some one being available for duty, even if absence or sickness should lay others aside for a time; would enable those in authority to give one another support; and would give to the State and the public units for the performance of public duties and services both larger and fewer in number than the villages, and thus easier to deal with, without removing them from close contact with the individual subject, for whose benefit the whole arrangement is designed.

For executive purposes, and for communication with the public and the State, the punchayet should appoint one of their number as their head. Thus an additional and higher class of local officials, picked men, selected by the headmen from their own number, would be provided. These headmen of villages and of punchayets would in themselves be a strong body of men available for being formed into authorities. Besides these there are the landlords, men of leisure, merchants, and tradesmen, who do so much public service in England. Such of these as are fit should be personally vested with the office of magistrate, as is done in England. The danger to be guarded

against in their case is that curse of Indian society—delegation. Every man of position has crowds of servants, and if he is asked to do a work, will most probably hand it on to a retainer, who again passes it on to some one else, so that what is supposed to be in fit hands gets into hands that are most unfit for the charge. This custom, together with the self-indulgent and idle habits of the landlords, and their ignorance, and perhaps the Indian custom of joint ownership, with its consequent harassing disputes and losses, has aroused in the people a deep distrust of the landlords, as a dangerous self-seeking class, too likely to turn their magisterial powers into an additional means of planting their foot on the ryot's neck. This deep popular distrust, shared by the Government, has hitherto prevented more use being made of the landlord class as magistrates. It is to be hoped that, with the greater freedom which the proposed removal of bonds will bring about, there will not be the same fear, and the landlords, as well as the ryots, improving in character, training, and habits, will be better able to take their part in the business of the country. As regards the towns, these are already provided with a form of local government. Possibly a way may be found to simplify this, as there is too much machinery and too little working power in the existing municipal

boards. The local authorities, then, so far as we have got, are village headmen, headmen of punchayets, municipal boards, and individuals of character and standing personally vested with powers.

As regards the appointment and dismissal of these local officials, that should rest, for the present at least, in the hands of the "physician" in charge of the case. There is need of the greatest watchfulness and tact to prevent the office of headman from degenerating into a property, with its incidents, that it is alienable, and that it carries no responsibility. As the system becomes fully established, this watchfulness and care may gradually become part of the duty of that public which we are to nurse into being; and we may hope that as a healthy community is formed, with a free mind and healthy will, it will take on itself the care of its own institutions, and save them from abuse. Meantime, its best chance of passing in safety through the dangers of childhood, is to be carefully nursed by that great nation—mother of nations, and home of freedom—which has already reached maturity, and whose public opinion is a strong and irresistible power. Whatever form the manner of appointment to, and the tenure of, office may take in the future, two conditions are, in the meantime, necessary. The first is, that the office

of village headman should be hereditary during fitness and good behaviour, and that of puncha-yet head held on the same terms for life; the second is, that the appointment on a vacancy should be left to the discretion of the State officer in charge, after consultation with those interested, and that the same officer should have discretion to dismiss men for negligence, incompetence, or misconduct.

The reasons for the first condition are, that this is in accordance with the customs and liking of the people; that there are no fit persons with time to conduct vast numbers of periodical elections, whose expense, moreover, the country is not able to bear; and that the constituencies are not properly qualified or sufficiently advanced to vote with intelligence. Where these objections do not apply, possibly an elective system may be, as in some municipalities it has been, introduced; but those places are few as yet.

As to the second condition, the new system, until fairly established, is an experiment which, if it is not to do a vast amount of mischief, must be carefully watched. Of all tyrants, none is so hateful to the ryot, or so difficult to escape from, as the village tyrant. If the headman were appointed by mere votes, the village might ultimately reach a state of freedom, but through many struggles. Evil influences would be brought

to bear, votes gained by threats or fraud, and the worthier men scared from becoming candidates. Intrigue would be let loose, and the village made a hell. For the time at least the end would be as likely as not that the biggest scoundrel would become head. Most of this trouble can be prevented by placing discretion in the hands of an intelligent and experienced officer of the State, who should see, before any one is appointed, that he is likely to do honour to the post. If a fit man cannot be found, it is wise to leave the post vacant rather than fill it by appointing a man who is unfit for the work. Again, the village head must be supervised. It is right that his position should be strong, for only so can he exercise the authority necessary for the due performance of his duties; he should be able to disregard the intrigues and the constant attacks on his authority which are to be expected from the enemies of order he is there to restrain; and he, a man of no great means, should be protected from harassing and expensive lawsuits. At the same time, an open ear and a ready hand are needed to hear of wrongs and apply a remedy. The only effective remedy—a remedy, however, which, if judiciously applied, is thoroughly effective—is dismissal. Anything short of this does harm instead of good, for the official who is punished, and left in a position to oppress again,

will have his revenge, and make the man he wronged repent of complaining, as the muleteer who, after chastisement and reproof by Don Quixote for flogging his boy, gave the boy a worse flogging than before as soon as the Don's back was turned. In England, the means we have for dismissing quietly and without reason given, is the election. In India, where we cannot have periodical elections, the same power should rest in the trusted agent of the ruling power—the British nation. Again, the head of a village may be popular enough in the village, and yet unfit for office. The village may be a den of thieves, and he their chief; or he may be a criminal, or disloyal, or fraudulent, or a drunkard. Dismissal is a punishment that never should be inflicted, except after careful inquiry, and for adequate cause, for the village head should be sure of retaining his office and handing it down to his children, if he is only honest, fearless, and diligent; but he must feel that it is an office, not a property, that he will have to answer for the manner in which its duties are discharged, and that his misconduct destroys not only his own position, but the future prospects of his family. In rural villages, there should be set apart for the use of the headman for the time being, a piece of land. This would magnify the importance of the office in the eyes of the agricultural

ryots, making it more desirable to hold, and causing the holder to think twice when he is tempted to do a deed which may cause its forfeiture.

It may seem at first sight that an unnecessary amount of trouble is being taken in discussing the position of so small a man as the village headman. In the province of Bengal alone there would be over 150,000 of these; and surely, it may be said, in such a vast mass details about one are unimportant. The very opposite is the truth. A detail of principle which has to be repeated in so many cases is a very mighty matter indeed, and needs most careful handling.

As regards the personally appointed magistrates, they, of course, can be appointed and dismissed in the usual way, by the State, and should be qualified, as is done in England, for small areas, so that they may be able personally to attend to their duties. Here then we have a scheme of local authorities—the village heads, their punchayet heads, and the men personally fitted for becoming agents of the will of the State.

We come now to consider a general working plan by which the central and the local authorities may be brought into touch, and the services of each utilised for the efficient discharge of the public business.

What is needed is a scheme under which the

local authorities, as they come into actual being, may be employed as largely as possible, and yet the work itself, such of it as is deemed by the State essentially necessary, may be carried on even in the absence of those local authorities, and while they are being organised. In the first place, we need a governor on the side of the State that is a representative of the State, who is intrusted with the execution of the whole will of the State, and with full discretion to act on behalf of the Government as he may think proper. He is to be the social physician who will take in hand the task of restoring the people to health; he is to be the officer in whose hands rests the appointment and dismissal of village heads. There are to be no departments each guided by a separate will, perplexing and bewildering plain people with the multitude and diversity of their orders. He and he alone, as representing a single, intelligent will, is the person the people must be taught to look to and take orders from. The departments, indeed, having technical and special knowledge and experience, are necessary to him, but as advisers, not masters. He himself must be, like the physician, master of his case. This governor must be within reach of the people he rules, so as to be able to give his personal attention to their affairs, and to have with them free and familiar intercourse; therefore the area he

governs should not be too large—it should be about the same area as that ruled by the district officer of the present day. The district officer, in fact, who rules a country of from 2000 to 5000 square miles, may be utilised as what on paper he now is, the governor of his district. But instead of being a mere servant, as he now too often is, burdened with the service of many masters, he should himself be master, responsible only to the single high authority under whose control he is placed by the State, and provided with a proper staff of qualified assistants.

The next step is to divide up the land into circuit areas, each of which has a circuit centre, with buildings which can be used as dwellings, meeting-halls, court-rooms, and offices. These areas should extend over about 100 square miles each—that is, they should be circles with a radius of about six miles, so that the centres are within easy reach of all the villages in the circle. This circuit centre is the place that we propose to make the point of contact for the present between the district officer and the local authorities, and here are to be the circuit buildings. The villages combined under a single punchayet of headmen we will call village unions.

The first step in organising local government is the preparation of a valuation roll for the district, village union by union. In this roll

should be recorded the annual income within the village union of each person interested, whether that income be derived from land or from other sources. Taxes are already collected, for purely local purposes, in villages and small towns, and it is the ordinary custom to assess the people on their circumstances. There is in India no such broad distinction as there is in England between town and country. The rural population live in villages, and the mass of traders and others are scattered about among the rural villages. It would be hard that a ryot should be taxed for the common good on his land and house, while a money-lender, grocer, potter, or weaver should pay on his house only. In accordance with ordinary custom, then, the valuation roll should be made out on the basis of income, and not of real property only. Being made union by union, it would give full information of the annual value of each separate union, and could thus be used as will be explained presently. The preparation of this valuation roll should be placed in the hands of experienced officers of the State, who should be thoroughly impartial. This roll is of the utmost importance, as it must form the basis of all future local business. Though heavy, the work of preparation would not be impossible, as there are many materials already in existence. The officers intrusted with the task of assess-

ment should be, for the present at least, under the exclusive control of the district officer, and no local authority should have anything to do with the valuation roll, until some progress has been made with the organisation of the local authorities. The work of assessment has always been the weak point of existing municipalities, being, as a rule, unfairly done.

The valuation roll being now ready, we are in a position to go on to the work which is the chief means of educating the people in practical politics—the preparation of a budget. The demands on the people would be divided into two classes,—viz., those of the State, such as for income-tax, public works, cess, and others; and those of the local authorities, as for village police, road rates, and the like. Every kind of demand, involving direct taxation, whether imperial or local, should be taken into consideration in framing the budget, so that all taxes may be levied by one agency and in one sum. This would at once be a mighty relief to the officers of State and to the people; for, being accustomed to the existing state of things, and being accustomed also to think little of any trouble or cost that does not fall on the Government, the Government officers do not perhaps always realise the worry and vexation caused to the people by the present mode of collecting the local taxes. To the

officers of State, indeed, it means mountains of papers, masses of accounts, many processes, and much drudgery: but to the people more. Every copper of road rate collected has involved a troublesome and complicated account between perhaps several different parties, every one of which accounts has, oriental fashion, caused a leakage of money. The village police rate has likewise cost immense worry and vexation to collect, the collector having sometimes to make it good out of his own pocket, and sometimes having extorted double or more from the payer. We are therefore entitled to dwell with emphasis on the benefits of the single demand, incorporating all direct demands whatever, and the single budget, which enables us to sweep away this costly and troublesome mass of papers, accounts, processes, drudgery, extortion, and obstruction. It would not involve the alteration or abolition of any existing tax, being simply a change in the method of collection, and it could be introduced to-day or to-morrow. The valuation roll would enable us to put an end to the present cumbrous and vexatious methods of assessing and collecting by central agencies all direct taxes, these works being transferred to those intrusted with the preparation of the budget. Better still, all direct taxes for general purposes might be entirely abolished, and direct

taxation might be reserved for local purposes only. But a proposal of this kind involves discussion and change, and our object now is to make proposals involving as little of these as possible. It may be well, before advancing further into the subject of budgets, to say that the collection of this consolidated rate should be placed in the hands of a well-paid local man of position, who is able to give security for his honesty. This man should be under the direct supervision of the district officer, or one of his qualified assistants. It is to be hoped that ultimately the duty of supervising the work of collection also may be made over to the control of the local authorities; but in the beginning, at all events, it should be placed beyond the risk of being wrecked by local incompetence and ignorance.

For the purpose of framing the budget, the district officer, or his confidential assistant, should visit the circuit centre, and give the people there an opportunity of stating and discussing their wishes and wants. He is provided with a list of Government demands for direct taxes, if any are still levied, such as income-tax and public works cess; and of compulsory demands for local purposes, such as village police rate. It would be possible to assess a tax, such as income-tax, separately as now, and incorporate

the demand with the budget; but the tax might be more easily levied in the shape of a lump sum, and incorporated in the one general rate.

We will first suppose the district officer to be framing a budget for a circuit area in which there has as yet been no development of local authorities. There is only the presiding officer, with the circuit collector at hand. The valuation roll is before him. The presiding officer, with the valuation roll before him and the list of demands that are due, will, after hearing and considering any requests by the people, strike a rate sufficient to provide all the funds necessary for the conduct of such public business as must be done. This will be a single rate over the whole circuit area. The collector will then prepare his demand rolls, union by union, and collect the amounts, which will again be distributed under the order of the district officer to the several funds entitled to them. In the undeveloped circuit area, only strictly necessary works, such as police and necessary roads, should be carried on. When provision is thus made for the performance of every necessary work, whether a local authority exists or not, there is no hurry about local authorities—no need, for the sake of getting a system which will work, to establish authorities who are in reality nothing but uncontrolled State agents. They are not necessary to the

State, and need only be appointed when and where their assistance will supply a local want, and they will be able to carry out local wishes. The first business of the district officer in organising the local authorities is to combine the village heads into union punchayets, each with its head. How these punchayets and their heads can be used as agents of the State, we shall see later on. We shall see now how they can be made available as local authorities to carry out the wishes of the inhabitants. When a local wish has been formed and expressed, the time is come for dividing off from the circuit area smaller budget areas, for which the demands and rates may be separately fixed. Within maximum and minimum limits, this local budget area should be fixed according to the wishes of those concerned. It should not be less than a union, since the valuation roll is made union by union; and it should not be larger than thirty square miles or so, because then local men could not manage public affairs properly without neglecting their own business, and the single will which must precede action would less likely be that of the majority of those concerned. No union should be in more than one budget area. A separate budget area should continue to pay all the compulsory demands paid by its neighbours. The species of bribery by which munici-

palities have been exempted from burdens laid on their less wealthy neighbours, the rural villages, should not be allowed to continue. This plan of separating budget areas would allow for the free progress of improvements in places requiring them without advanced areas either dragging on prematurely or being kept back by their less forward neighbours, and would admit of that variety in unity which is characteristic of all healthy life. The most advanced municipality and the most backward rural area would alike get what suits them best; the budget area would be taken charge of by its local authorities; and we may hope that in time the budget area unappropriated by local authorities, and under the direct charge of the district officer, will grow smaller, and finally vanish altogether.

For the settlement of the budget, the district officer or his assistant should go to the circuit centre at a fixed time, calling to meet him there all the village and other local authorities. Full opportunity should be given for expressing and discussing the wishes of the people. Already, in some parts of the country, the importance of roads, sanitation, schools, and other such local institutions begins to be recognised; and if the people of each neighbourhood come to think over their own circumstances, and learn what they can gain, how, and at what cost, there is

every reason to hope for a great increase of public interest in all kinds of local work. We may look forward to the time when every village will be included in a local budget area, and when the local authorities will discuss for themselves their own budgets, and produce them ready framed for sanction by the district officer at the annual assembly. In that day, we may look to see a hospital with a good medical man at every circuit centre; good roads, giving free access all the year round to every village; a school in every punchayet union; plentiful drinking-water; good public recreation-grounds, fuel-reserves, and grazing-grounds; and a strong machinery for checking diseases in cattle and men.

The question arises how this system will fit in with the systems of local self-government recently introduced in the various provinces of India under the auspices of Lord Ripon, and extended under Lord Dufferin. These latter systems cannot be utilised in connection with the present proposals, inasmuch as they are, for the most part, neither local nor popular. Their defects being radical and in principle, cannot be removed without destroying them. The following are a few:—

They have not grown into being, representing and carrying out popular wishes. They have

been manufactured by the agents of the British nation in order to gratify the wish of the British nation. They are not living organisms, but artificial machines. There is, it is true, an elective system by which they seem to come into being; but that, too, is not a living power, but simply a machine. John Bull is fond of elections, and so elections are provided for the pleasure of the master. There is not at the back of the so-called local authorities that popular will or public opinion, without which they have no right to an independent existence, and cannot be safely controlled.

Then the area governed by the "district board" is far too great, being generally as large as many English counties, and swarming with a dense rural population. There is in this great district no single will which the boards can represent, and therefore the board cannot possibly be representative of local will. Even if boards be established, as is being done, for subdivisions of districts, the matter is not greatly mended; for each of these is as big as an English county, and there are none of the smaller divisions, such as parishes, which have always been the local areas in England.

The members of the district board are for the most part men who seldom go about, and know no part of the area they are supposed to govern

save the immediate neighbourhood of their homes. They are either lawyers or men of little education and narrow experience. Compare with these the nobles and gentlemen who have hitherto conducted the county business of Great Britain. They have to depend, in a far greater degree than the district officers did, on the knowledge and action of others, either their paid servants or the district officer himself, for discovering and supplying wants. The district board is, indeed, a very good example of that dangerous class of persons already described, who, posing to the Government as representatives of the people, and to the people as agents of the State, will, if suffered to have power, become despots on their own account, carrying out neither the will of the people nor that of the State. If they ever, as some seem to hope, attain to real power, their creator and supporter, the British nation, may too likely have reason to look on itself, with King Arthur—

> "As one who let foul wrong stagnate and be,
> By having looked too much through alien eyes,
> And wrought too long with delegated hands,
> Not used mine own."

They are a wedge driven between the British nation and the peoples of India, and this wedge should be withdrawn, so as to give free course to the living will on both sides. If the British

nation remains face to face and in touch with the peoples of India, there is every hope that in time institutions as imposing, or even more so, may arise; but they must be living, and they must grow from small beginnings. If there is any man inclined to believe in these district boards as living forces representative of the people, let him explain why, on the one hand, these bodies shrink with fear from the duty of assessing and collecting their own taxes for their revenue, while eagerly accepting whatever the State can give; and why, on the other hand, the State will not intrust to them any duty, like the control of the police, which would give them real power. They seek to gain popularity by being made the conduit for spending money collected and doled out by the State; and the State, on its part, while it has no objection to their being popular, takes care that they shall be, as far as possible, harmless.

Of course the opinions here expressed may be mistaken, but, at all events, they are honestly held by very many persons capable of judging, both among the Europeans in India and among the natives, many of whom are denouncing, in no measured terms, the "*Vakil ka Raj*," or reign of the lawyers, as they call the new *régime*. On behalf of the proposal here made for their removal, accompanied as it is by a proposal to

replace them by a sounder and more real system of local self-government—a system more likely to grow—we may claim at least careful consideration. If so decided a change of policy be thought inadvisable, then these boards should be brought openly into the position of subordinate and closely controlled agencies of the State, until such time as local institutions may grow up to and absorb them; and the real power should be formally vested in that officer who has all along substantially exercised it—viz., the district officer.

Here, then, is a programme which, without mapping out the line of progress to the end, points to some great and useful steps that can be taken without delay. The district officer is to cut and cleanse away as far as possible the bonds and the dirt which benumb and encrust the limbs of the people, to get them to move, work, take food and eat, grow strong and wise, and become free and healthy, until they learn self-reliance and self-help. We shall now consider how the local authorities can be utilised as agents of the State.

CHAPTER X.

THE LAW.

In all civilised countries there is a prevailing will which all subjects are bound to obey, and this is embodied in the law. The law consists of two great divisions, the customary and the statute laws. Custom, in order that it may claim to be recognised as law, must be ancient, general, and obeyed by all. A custom cannot be established in a hurry. It must grow slowly, like an oak, and is the work of many minds and hands. No custom can be created by the ruler, and only in such extreme cases as those of slavery and suttee would the British Government think of interfering to put a custom down. The difficulty of working a law which is customary only is that customs vary from place to place, and are interpreted in divers ways according to the minds of the courts. The Roman and British laws were both developed from customs by the interpretation of judges and prætors before

statutes began to be made. It was in a land where the common or customary law prevailed that the presumption arose that every subject knows the law.

Statutes are made—(1) to give rights, as the Magna Charta; (2) to declare the existing customary law, as the Indian penal code; (3) to consolidate and shorten existing statutes; (4) to impose duties and burdens, as our revenue and sanitary laws.

Every law, except a charter or statute of the first class, contains as an essential part penal clauses providing for the punishment of those who disobey.

In all great living States, and especially in free States, where there is political life, which means progress and change, statutes become necessary so that the people may be able to tell exactly what is the law. The will changes, and the law which expresses it must also be changed. Change, however, in the law, which is an expression of will binding on all subjects, is an evil in itself; and in communities like those of India, where the people are in vast numbers, widespread, and ignorant, there are few greater evils. In all ancient communities, change was carefully guarded against. Among the Hebrews, the law of Moses and the customs of the fathers — among the Chinese, the

laws of Confucius — among the Hindoos, the laws of Manu, were held sacred. The "laws of the Medes and Persians altered not." Lycurgus went to exile and death to give his laws stability. In Rome and in Britain the common or customary law was so deeply respected that growing wants and new problems were dealt with by means of legal fictions. It is a well-known fact that the people of India have a deep reverence for and attachment to custom, whose chief attribute is that it cannot be changed unless very gradually.

In a country governed as Britain is, where every measure of any importance, before it comes to be placed on the statute-book, is sure to be discussed and turned over freely in public meetings, in newspapers, in clubs, on the streets, and in many homes, changes as a rule come very gradually; nor do they come at all until they and their effects are well understood and widely known. In a country like India, however, governed despotically, frequent tampering with the law, whether the intention be good or bad, is a sign to the people of the fickle temper of the despot. We all know that the chief thing the subjects of a tyrant have to fear is the suddenness with which he changes his mind. Nebuchadnezzar dreamed a dream, and because his wise men could not tell him what it was

about, he commanded to destroy all the wise men in Babylon. When Daniel told him his dream, he made Daniel chief of the State. He set up a great golden image, and commanded all men to fall down and worship it, on pain of being cast into a burning fiery furnace; and when three Jews refused, he had them cast into the furnace. When they were delivered, he became equally violent in favour of the God of Israel, and commanded to cut in pieces any one who should say anything amiss against Him. Similarly King Darius altered the law suddenly, forbidding men to worship any god for thirty days; and when Daniel refused to obey his new law, he cast Daniel into the lions' den. When Daniel was delivered, those who had accused him of what was actually an offence against the king's own law were destroyed with all their families, and another decree was passed that men should worship the God of Daniel. This short account gives us an insight into the method of legislation in the East, and the practical check. In Babylon, as afterwards in Britain, the king might pass the law, but if it turned out badly, those who advised it suffered. The courtiers of Nebuchadnezzar and Darius, like those of Harry the Eighth, could exert great influence over the law through the king, but they ran great risks.

The Government of India has to legislate without the oriental check of fear, or the Western check of popular control. It has therefore to be on the watch against over-elaboration and needless change in the law. We cannot always anticipate the effects of a change in the law. A change, if important, affects the whole people—how, we can seldom tell beforehand; while, even if it be trifling, it gives an opening to the harpies who are always ready to seize every chance of cozening their neighbours. Elaboration of laws, again, when it takes the form, as it usually does, of increasing the number of sections and of words, is likely to defeat its own end; for every additional word is an additional chance of ambiguity and doubt. A simple, short, and complete law is no doubt the most difficult thing in the world to make. It needs not merely knowledge, experience, and skill, but genius and wisdom. But no other is likely to give satisfaction, for this alone has any chance of being permanent and needing no change.

Besides the statutes and common law of India, the law in that country has been influenced by the common and statutory law of Britain, which are imported by lawyers into their arguments, and by judges into their decisions. This is perhaps the most arbitrary and despotic part of our law in India, whether or not it be benevolent and

useful, seeing that neither the customary nor the statute law of England was framed with the least regard to the circumstances or wants of India.

These few remarks seem to be needed, since the spirit of submission to the ruler is in India so generally diffused that even laws which are oppressive are likely to be quietly submitted to. It is easy to see, also, that where the body of subjects is large, widespread, and ignorant, and where they have a dislike for change and a deep reverence for custom, the people will become bewildered if changes are numerous and frequent, and will place themselves in the hands of such guides—seldom wise and well informed, often fraudulent and evil, always, after the manner of quacks, confident and positive—as they can find. When they are deprived of that great safeguard of the common people, the wisdom of their fathers; when they are aware that, unless they take in and study the statutes and the law reports they cannot know the law, what should be clear, certain, and steadfast becomes hazy, mysterious, and shifting. They are at the mercy of every unscrupulous and plausible scoundrel who has the face to offer himself as a guide.

We have now to consider shortly who is to be intrusted with the duty of making the law; and this brings us to look at the legislature. There seems to be in some quarters a disposition

to think that somehow it is unfair for representatives of the British nation to pass laws which are binding on the natives of India, and that the natives of India ought to be associated in the work. Strong pleas are accordingly made for the introduction in India of the "elective principle," as it is called, so that representatives—of what is not very clearly stated, but at all events not of the British nation—may be sent to help in making the laws which all have to obey. Able arguments are brought forward to prove that in justice the British nation ought to yield to this reasonable demand on behalf of the "people of India"—those two hundred millions without a franchise—and very persuasive are the arguments, if we can once believe that their foundation is firm. There is, however, a fatal flaw. On only one ground can a man claim the right of imposing his will on his fellow-men—the right of strength. His one argument is that he has power. When he asks for power, he spoils his case.

For power, arguments are not necessary; against it, they are of no avail. It needs no permission; it takes without leave; it needs not to be sought for, but asserts itself. When the time comes, as it may come, the people of India, strong, united, and determined, will demand the franchise, and there will be no more weighing of

arguments. They will have it. But to-day, unquestionably the chief power in India is the British nation; and those who ask for the franchise ask for it as a boon which may be given or withheld at the pleasure of the ruling power. So great is that ruling power, they say, that it can afford to give away even this, its chief attribute. Not thus did the English and Scottish people gain the power of making their laws. They followed

> "The good old rule, the simple plan,
> That they should take who have the power,
> And they should keep who can."

No fine or specious logic was used. The one argument admitted into the controversy was the argument of force. The government of a great country is a stern and serious business, a task of might, and should not, as the poet says, be delivered to weakness.

It is difficult to believe that those who advocate the elective system and a franchise to enable the "people of India" to make their own laws, have fully considered what the change involves. At the risk of repetition, we shall consider this important subject at length. The franchise in England, when reduced to its elements, is simply a way of counting heads as the most economical method of ascertaining who is the strongest. There can in one nation be only one effective

will, and that is the will of the strongest; or as it may be put in a community of many members, the strongest working combination of wills. Formerly, if there was a difference of opinion in the nation, the different sides turned out and fought till one was beaten. All the men of the nation being admitted as of one fighting value, it was found that numbers usually won the fight; so heads were counted instead of being broken. Of course there are logical faults in this system, but it is near enough right to work well. The result of the election is that the leader of the stronger side is intrusted with the task of pronouncing the will of the people, and with the control of all the machinery provided for executing that will.

In India there are three difficulties in the way of an elective legislature. The first is that this method of ascertaining who is the strongest is a European, not an oriental method. The sovereign in Eastern countries—India among them—has always held the power in his own hands. He is never elected, but, on the rare occasions when he does not succeed by hereditary title, he simply lays hold and keeps if he can. No doubt he tries, if he is a wise ruler, to gain the goodwill of his subjects, but they never attempt by this figurative fighting to assert their own will against one another or against

the ruler. If the natives of India were forced by the British nation to elect their law-makers, they would doubtless go on doing this so long as the master compelled them; but the chances are that, if left to themselves, they would relapse into their old system.

The second difficulty is to tell what place the British nation would take in such a system. The British nation is master of India, and the viceroy its representative. The viceroy is head of the executive and sole law-maker, although he has a council, appointed by the British nation, by whose advice he generally goes. If the elected legislators are to be more than advisers, advocates, witnesses, or puppets, they must have votes; and it is conceivable that they may determine the fate of a measure contrary to the will of the viceroy. In England the will of the nation is pronounced by the prime minister, who, when he ascertains that the will of the nation is against him, retires from office in favour of a leader who represents more accurately the national will. Not only does he give up the office of leader, but he also hands over to his successor the control of the means for executing the national will, which means the British nation rightly consider should be in the hands of those who, for the time being, represent that will. The nation is one body, and,

if it is to do any good, it must be moved by one will at a time, however often that will may be changed. If an elected Parliament after the English model be set up in India, what place is to be occupied by the British nation? Is it to be a constitutional monarch, accepting and giving effect to the will of the people declared by its representatives, and making over to the parliamentary chief who represents that will the control of the army, foreign affairs, and the public services? Is the viceroy to be deposed from his offices of law-maker and head of the executive? and are those offices to be given to another? If not, then there is no representative government in the British sense, and if there is such representative government, its instalment must be preceded by the British nation abdicating its place of master, and ceasing to have an effective will in Indian affairs. It may stay or go, but cannot govern. This, in fairness be it said, is not quite the alternative put forward by many who call themselves advocates of parliamentary institutions in India. A class of politicians appear to think that the viceroy may be left in his office as law-maker and head of the executive, and that there may be added to his council a certain number of elected legislators. But if we look forward and consider what is to be the conse-

quence of this addition, we see either the all-powerful prime minister displacing the viceroy as the seat of power, or else a group of advisers, witnesses, advocates, or puppets whom the monarch pleases to call a parliament, but who have no real claim to that title in the English sense at all. The British nation is too strong and sensible to become a Lear, and we may therefore conclude that this playing with elections, of which there are signs, means merely that the sovereign thinks of choosing a new way of getting information as to the wants and wishes of his subjects. Having come to this conclusion, we may go on with our consideration of British policy in India, which would be useless if the British nation were about to abandon its position as ruler.

The third difficulty is that the peoples of India are not all of the same fighting value. We cannot by counting heads ascertain which side would win if there were a resort to force. The peoples of India are as varied in their natures as sheep and wolves, tigers and deer. It is easy, of course, for the British nation, as sovereign, to determine that it will give to a certain number of Bengalis or Ooryas equal weight with the same number of Sikhs or Rajpoots, and its doing so might not at first weaken its influence, for possibly their advice

might not be very much less wise than that of good British statesmen. But an elected legislature is to be given, we presume, with the object of making the peoples of India independent of the British nation, and free from its interference. If the British nation were to stand aside for a year, and indeed give a free hand, surprising results, which may be guessed, would follow. One result, it is safe to prophesy, would be that Bengal, with its seventy millions of sheep, now so full of bluster and eloquence, would be mute in presence of the wolves of the Punjaub and of the North-west; that the Mussulmans, although in number only one-fifth of the Hindoos, would be making a bid for power; and that the martial races of India would be putting, in spite of the settlement by vote, to the practical test of war their respective claims to guide the "national will." The "national will" would probably be torn to pieces and destroyed in the struggle.

For these reasons, and there are doubtless others, the British nation should retain in its own hands the prerogative of the strongest—the right of making laws for India—until there arise a stronger to wrest that power away. India has now got a very peaceful way of ascertaining whose is the prevailing will; and, in the British nation, has a sovereign who, thanks

to his power and his governing capacities, is by far the best ruler she could hope to have. Why, then, introduce an unknown and foreign institution which, if it comes to anything, can only end in the destruction of the British rule, and perish with that rule, whose creature it is? It would not even be a good means of ascertaining the wants and wishes of the peoples. If these are to be ascertained from an assembly of persons representing the various peoples and the different parts of the land, what a vast and motley assembly they must be! how such a body of people around his court must clog the movements and confuse the councils of the viceroy! On all accounts this institution of an elected parliament is not wanted. There are few countries in the world where the wants and wishes of the people are more carefully ascertained and more respectfully looked at than in India; and if it is desired to improve the method of ascertaining these wants and wishes, there are other, better, and less costly methods of doing it.

Assuming, then, that the control of the law will remain with the British nation, we may now go on to consider what should be the general policy that guides legislation. The great and mighty cry of the ryot in India is and always has been "Let me alone," and the temptation that assails

the law-maker generally is to meddle. The leading policy of our laws should be to meddle as little as possible with the ryot, and to restrain others from meddling with him. To free him from the troublesome meddling of the landlord and the money-lender, plans have already been suggested. The two things which generally make meddling possible are uncertainty for one thing, and many points of contact for another. We shall shortly consider these two irritants.

Uncertainty is generally due to two causes,—bad information about facts, which prevents us from knowing where we are, and the hourly expectation of change, which prevents us from calculating where we shall shortly be. Uncertainty gives rise to disputes, and disputes have now to be settled by the law courts. The Government of India has already adopted for certain purposes the principle of settlement. This has, for instance, been long in force as between the State and its own tenants, and has come of late to be recognised as the only satisfactory way of dealing with the numerous and complicated interests in land everywhere. By settlement is meant that a record of the rights and interests in land of all parties within a certain area is made by good and experienced officers, and is kept up to date by periodical revision. At the time of making and revising

this record, every means is taken to obtain information on every relevant point, so that there may be in it good information about facts; and once the record is closed, it is treated, until the end of a fixed period, as conclusive proof of all facts which are recorded, so that the hourly expectation of change is removed. From this method, by which opportunities of meddling are much reduced, the people have had much benefit. The same principle might possibly be extended in other directions, such as money-lending.

But what we would suggest here is whether the same principle might not be extended to one of the great branches of the law—viz., the common or customary law of the people. At present that branch of the law suffers from neglect, and the neglect of the customary law is the only argument, perhaps, that can be admitted to give weight to the demand for an elected legislature. Such a legislature would be no cure for the evil, but at least here is an evil which, if not by one means, then by another, we ought to find a cure for. It is not that the Government and the law show disrespect for local customs, but laws are passed in ignorance of them, and of the circumstances they imply, and when a question involving custom between litigants arises in the law courts, the law courts have to ascertain the custom from the evidence of witnesses produced

by, and the pleadings of, the parties. The vast mass of litigation is between poor people; the great body of the lawyers they employ are ignorant and incapable, and the great body of the judges are overworked, and ill qualified to conduct investigations as to facts of this kind. The consequence is that, whereas of all things under the sun custom ought to be the most certain, there is often extreme difficulty in getting to know what is the custom on any particular point, and many valuable and reasonable customs have been, in ignorance or through misunderstanding, overruled and destroyed. This means destruction to the prestige of, and reverence for custom among the people, and of the security which is felt by a people among whom that prestige and that reverence exist. The customary or common law is law made by the people far more truly than any statute passed by a legislature composed of their elected representatives, and an effort ought to be made to strengthen and ascertain so much of that law as is good, so as to restore to the people the confidence they have lost and are losing. In every district there should be a constant and searching inquiry going on, conducted by qualified officials, of whom the district officer should be chief, into the various customs which, as being general, old, and obeyed by all, have the

force of law. Of these customs there should be made an accurate and exhaustive record, which, after all interested have had full opportunity of saying anything they may have to say, should be taken in the law courts as conclusive proof of the customary law which is stated in it. The record should be subject to revision, say once in thirty years, when new customs may be added, obsolete ones omitted, and the language adjusted so as to convey to the new generation accurately the meaning intended. The district records of customs would give the scientific law-maker valuable information. They might be compared together, and no doubt much might be done to make the customary law more uniform by modifying the customs of neighbouring districts for that purpose, where they were essentially the same. Considering what a vast influence on the common law of England the judges have exercised, it seems permissible for the ruler of the land to take such small liberties with the common law of India. There would be no occasion to enforce uniformity, which means bondage. Every district should have its own manual of common law as the people have made it, and this manual should be easy of access to all who would refer to it. What with barrister judges in the High Court, and shifting judges in the interior, statutes made with imperfect know-

ledge, and English precedents applied too freely, the common law of India has had a bad time of late years. In this authoritative manual, however, the voice of the people — the "dumb millions" whose mouthpiece many demagogues are striving to become—will speak with a clear, steady, and certain sound for itself, and one of the two things which make meddling possible—uncertainty—will be to some extent abolished.

As regards the other—many points of contact—the State cannot segregate men from one another, and cannot, therefore, abolish contact between them. Its business is rather to reduce as far as possible the number of points of contact between those holding and those bound by legal obligations, especially obligations which involve the exercise of authority by the State. This reduction can be made in two ways—both by reducing the number of persons in contact, and by preventing, where there is contact, any change in the persons who are in contact, or the substitution of a new party for an old. As an illustration of this danger of contact, may be quoted a story told by a native member of the Bengal Legislative Council during a debate. A certain district officer, to get rid of an importunate beggar for employment, gave him the apparently innocent employment of counting the waves in the River Ganges. It was found, how-

ever, that he stopped all the boats because they "interfered with his waves," and would not let them pass without payment. Even this shadowy right brought him in contact with the boatmen, and was turned to account as an instrument of extortion. The principal merit of the proposed reform in village management, whereby each village is to have an official head, is that it reduces the number of persons in contact in the relation of landlord and tenant, and substitutes for the landlord's servant, who may be, and sometimes on principle, is frequently changed, and is a stranger in the village, a permanent official who is known to all the ryots, and is their neighbour. Another reform proposed—viz., the single agency for the assessment and collection of all direct taxes—has the same chief merit. A sample of law which is harassing and a source of much trouble to all concerned, chiefly from the vast number of transactions it involves, is the Road Cess Act of Bengal. This law is also a useful illustration of a temptation which frequently besets despotic governments—the temptation, namely, to ignore the trouble, cost, and worry thrown on the subject, so long as these do not affect the ruler. The very precautions taken to ensure justice to all defeat themselves, because they throw such quantities of labour and expense on all concerned. A short account of it may therefore be instructive. The

origin of the Act was the Orissa famine, when it appeared that the landlords had not been doing their duty in the way of keeping up roads. Accordingly this Act was passed, requiring landlords and tenants to contribute—the tenants on their rental, the landlords on the part of their rent remaining to them after payment of head rent or revenue—a rate or tax for making roads. With the application of the money we are not now concerned, but only with the collection. The duty of collecting this rate or tax, or cess as it is called, was given to the landlords, each of whom was to collect it with his rent, and pass it on to the Government with his revenue. The assessment was made by a single Government official for the whole of a revenue district, and the rate made uniform for the whole district, so that this mode of collection might be possible. The first business which this arrangement involved for the landlord was the preparation and submission of a rent return for the whole of his estate. Considering that the estates of some landlords extended over hundreds of villages, and contained thousands of tenants; that the interests of many landed estates were split up; that in many estates there were leases and sub-leases under one another in succession; that the relations of landlords with their tenants were sometimes very indefinite, there being nominal rents

which were never collected, and nominal arrears that were never recovered; and that the demand against each ryot was on an average only a few rupees,—we have no difficulty in understanding that the labour and expense of first making and then testing returns of this kind were very great in proportion to the sums involved. The return being received and tested, the assessing officer has a comparatively simple duty to perform. The rate having been fixed, a certain proportion on the rental, say the maximum of half an anna in the rupee, he calculates the ryot's share of this as half a rate on the whole, and the landlord's share as half a rate on the balance after deducting the Government revenue, and fixes accordingly the demand on the landlord. If the landlord fails to pay in this amount, it is recovered from him like any other tax. This is a very pleasant and simple, and, to the State, a cheap way of collecting a fund for making and mending roads. The sum to be paid by each is worked out to the smallest fraction, for in the extreme precision of our justice we calculate to the cowrie what is the exact sum each must pay. But the unfortunate landlord, and all his unfortunate lessees and ryots, are only at the beginning of their difficulties. Before that money has been collected, there has probably been an account to adjust for every separate copper that comes in.

If a landlord himself has to pay a fraction of the coinage, how can he possibly break up his demand on the ryots so as to settle the amount to be justly paid by each? Then, the person who is to pay may refuse to pay, or the person who is to receive may refuse to settle without getting more than is due, and the only way of settling is by a lawsuit, with its costs and worry. The Road Cess Act has, in fact, given an opportunity of meddling to hundreds of thousands by creating a huge mass of rights and duties; and the collection of the cess probably costs the people of the country a great deal more than the total sum collected. There is, again, the village police rate, which, though for many reasons a more just and easy rate than the road cess, has created another great mass of rights and duties. Opportunities for meddling, either in the assessment or in the collection of these, and other petty demands, will be reduced to a minimum, if the method of collecting all such direct demands in one sum and by means of a single and trustworthy agency be adopted.

Another method by which meddling can be greatly reduced is to make the necessary contact between men take the form of mutual services rather than of right and duty. For this purpose, even where, in order to get work done, compulsory payments have to be exacted, the

services for which those payments are to be given should be well defined, and the payments connected with the services. One of the chief merits of the local budget is that it sinks out of sight the prerogative of the State to levy a tax, and converts the tax into a remuneration for service, determined more and more, as the local authorities are developed and organised, by those who pay it.

It is almost needless, and yet not wholly superfluous, to say that a law, in that it interferes with the freedom of the subject, prohibiting him from doing what he wishes, or forcing him to do what he is unwilling to do, is at best a necessary evil. It can only be justified when it prevents a greater evil. Especially is a law an evil in such a country as India is now, where the means of carrying out the law and of preventing abuses of it are so defective. A benevolent and active-minded legislature, in preparing and launching measure after measure for the improvement of the people, may unwittingly be sending forth scourges for their torture. The State cannot express its will without intrusting some one with the execution of that will, and, as will be seen in a later chapter, seldom indeed is the execution according to the spirit. Therefore there should be as few laws as can possibly be done with, and these should as seldom as

possible be laws enjoining action. As was before pointed out, nearly all God's commands to men were prohibitions. Prohibition may be necessary to prevent the liberty of all being interfered with by one,—to prevent disorder; but compulsory action can seldom be necessary. Action should be spontaneous, and when spontaneous it will develop and grow. If the impulse to action come from without, the life is wanting and it will not grow. Improvement and reform should be brought about rather by the development of an active will in the people than by the initiative of the State. The less the State has to do with them, the more likely they are to thrive; and the State will find enough to do in watching movements and keeping disorder out of them, without attempting to direct them. When its officers interfere with the popular will in order to promote reform, they should do so as private persons without the help of the law.

To conclude, then, the British nation should retain in its own hands the power of passing statutes, allowing the voice of the people to be heard and given effect to through the common law, which should be ascertained and strengthened. Its power of passing statutes should be very sparingly used, and the utmost pains should be taken to make the statute laws

short, simple, and clear, and to keep them unchanged. The laws of the State, so far as they regulate the conduct of the ordinary subject, should be made to prevent disorder only, and their main object should be to discourage meddling.

CHAPTER XI.

THE LAW COURTS—THEIR DEFECTS.

THOSE who have to do with the carrying out of the law may be broadly divided into two general classes, those who interpret and those who execute. Interpreters of the law are men appointed for the purpose, who, applying the law or will of the State to particular facts, declare in what manner the State should act towards the persons concerned in those facts. Thus a magistrate who determines to grant or refuse a warrant; a court which gives a decree or passes sentence; a police officer who makes or refuses to make an arrest which he is empowered to make; a grand jury which gives or refuses a true bill,—are all acting as interpreters of the law.

Those who execute, again, have nothing to do with the law, but only with the interpreters, whose orders when given they accept as law.

If they honestly execute the will of the interpreters, they are free from responsibility, the interpreters themselves being responsible that what they have ordered is in accordance with the will of the State. We must, to begin with, consider shortly what means are provided in Britain for the interpretation and execution of the law, so that we may be better able to see how far the British system will apply in India. It will be convenient for comparison to take Scotland rather than England, because in Scotland the State occupies a position a little more nearly like that which it occupies in India. And first we may consider the criminal law, which touches directly the relations of the Crown and the subject.

Where the law is master in everything, it needs a very large number of interpreters, spread over every part of the land; and these men should deserve and have the confidence of the State and of the people. They should have power to act promptly and without reference to others; for a will that is not followed by prompt action is ineffective. In Scotland there are magistrates in every town—we may almost say in every village—any one of whom may set the law in motion by the issue of a summons or a warrant. Each one of these is supposed to be easy of access to the people, ready to advise

any subject of her Majesty, or act in his aid when there is need. These magistrates meet in courts at convenient places for the purpose of trying issues between the Crown and any subject charged with an offence. Persons who have been arrested by the police without the order of a magistrate must be taken to one, and his order obtained before they can be put in prison or kept in custody. The magistrate is, within his powers—which enable him to summon or arrest any person accused, and sitting on the bench with his fellow-magistrates, to pass petty sentences or commit for trial to the superior court—trusted entirely by the State, and has to make no reference to any one for confirmation of his acts or orders. In this he differs from the police officer, who has at once to seek the confirmation of his acts by a magistrate. He is only, as it were, interpreter for the time, until reference can be made to a magistrate; and that time can never, in a land where there is always a magistrate within a mile or so, be long. We may therefore say that practically nothing can be done in any case until a magistrate has made himself responsible for it. As soon as this has happened, the case passes into the hands of the procurator-fiscal, or public prosecutor, who makes an investigation on the spot, examining privately the parties and the

witnesses. An official of this kind is attached to every criminal court in the land, from the lowest to the highest. He makes himself responsible that, before the case is carried into court, there has been laid before the Crown, which he represents, ample evidence to prove it. Although a private person can carry a case to trial on his own responsibility, this in practice is seldom done; since, after the public prosecutor has declined to take it up, there is little or no chance of a successful result to the prosecution. The procurator-fiscal is generally a trained and competent lawyer, well qualified both from skill and from character to conduct such an inquiry without suspicion of unfairness. Not even a charge of drunkenness is tried without the prosecution being conducted by the procurator-fiscal, who, himself a judicial officer not committed on either side, does not hesitate to drop the case if he is satisfied that it is not supported by the facts. There is a bench held at every centre, never more than a mile or two from the place where the parties live, and at this bench all the neighbouring magistrates attend. These are themselves well acquainted with the neighbourhood, and probably with the people concerned; and thus, even when not very learned in the law, are able, as shrewd men of business, to come to a fairly correct conclusion

on the evidence produced before them. Having jurisdiction in only a small area, they get very little judicial work to do, and accordingly give to each case an interest and an amount of time and attention such as could not be given by officials nauseated with masses of the same kind of work day after day. They work in presence of the public, to which they are known, and in whose hands is their reputation. Their proceedings are also reported in the local press, and read and commented on by all the neighbourhood. The magistrate in Scotland is the most stationary of men, for he has a stake in the part of the country where he has jurisdiction, and cannot, in the ordinary course of things, leave it. He knows and is known to all who live in it. Thus he who is wronged and seeks redress finds the law ready at his door, in the person of the magistrate, to listen to what he has to say; in the person of the procurator-fiscal, to investigate the matter of his complaint; and in the person of the bench, to try the issue between himself and the person he accuses. The person accused finds that, before he can be touched, or at least within a few minutes or hours at most, he must be brought before a magistrate; that his case is then investigated by a judicial officer in private, and that only if he is satisfied does the case come

before a bench. If it is tried before the bench, they can be relied upon not to be hoodwinked as to the facts, and to deal honestly by him. He is also sure to be able to get a good lawyer to defend him if he likes, for there are lawyers in every town. The lawyers are under the strict discipline of their own honour, public opinion, and the corporation of lawyers to which they belong. Moreover, if any man seems not to be getting fair-play, there are sure to spring forward many of the general public, ready and anxious to secure it for him, even at their own expense.

Looking to the higher grade of courts, we find the sheriff's court for the county, in which more important cases are tried, and, at the top of all, the court of assize. Each of these has its public prosecutor, the heads of all the public prosecutors being the Lord Advocate and his deputies. Each public prosecutor regards judicially any case that comes up; and, if he thinks the evidence does not justify his proceeding, he can in his discretion drop the case. The judges of the sheriff's court and of the court of assize are the officials appointed for the county and the country respectively for judicial work, and they try both civil and criminal cases. In criminal cases, the sheriffs often, the judges of assize invariably, have the assistance of a jury,

whose special province it is to determine what facts are proved. This is a part of the judicial office which the people have never surrendered to any agent, but retain jealously in their own hands. The feeling that they ought to do so is a healthy and just feeling; for the mind of a judge, learned in the law, and constantly engaged, as it were, in the study of the moral diseases of men, is apt to become morbid, and to see motives and suspect crimes in the simplest and most natural actions. Those whose business lies more in the ordinary walks of life are better qualified to see things as they are. Moreover, the juryman, who seldom has this work to do, will be likely to take a greater interest in it, and to bring to bear on it more anxious thought and careful consideration than the judge or stipendiary magistrate who does nothing else. Then as to the persons of the judges. The sheriff and his deputies are appointed to office in a particular county, and are not, in the ordinary course, liable to be moved. They can claim no promotion, they need fear no transfer; they have neither hope nor fear; they move on circuit through the county or district of a county to which they belong, and usually become intimately acquainted with its history, places, and people. They, too, are not easy to hoodwink on any question of

fact. The judges of assize are promoted from the bar to the bench, when they have already got a reputation, earned by hard work, for knowledge and ability. They have, as members of the bar, traversed the country on circuit, and made an extended acquaintance among the people. Frequently they have, as members of Parliament, themselves taken a part in making the laws they have to administer. The judges sit all together at the metropolis, and have thus the advantage of their mutual wisdom and experience. They go forth periodically on circuit through the country, and return, having added to this common stock of wisdom and experience, and kept themselves in touch with the people everywhere.

Then, as to the civil law, the mass of the population hardly know that there is such a thing as a civil court at all, except that there is a place where a man may get damages if he suffers injury. The working man or the peasant seldom has occasion to go near a civil court. If he has connection with a landlord, the defaulting tenant is not sued for rent but evicted. His banker is the pawnbroker; and instead of debts incurred, he has more often savings. The landlord and the money-lender have not the same hold in Scotland as in India; nor do they think of attacking the poor in the law court. Property

and wealth, which more frequently involve law-suits, can always and everywhere find means to fight their own battle. There is always and everywhere, watching the courts and keeping them in order, a vigilant and intelligent public, whose opinion, expressed in clear voice with trumpet tongue, no man can, if he would, disregard. Thus we see that the law in Scotland, whose power is mighty and its arm everywhere, is kept under the strictest discipline, the arm of the nation moving as directed by the will of the nation only, and not otherwise. The people are satisfied of this; and neither do criminals dare presume on the weakness, the blindness, or the corruption of the law courts or their officers, nor need honest men fear that the courts will not be able to protect them. The law is the will of the whole nation, and all combine to maintain it. The whole resources of the country are placed at the disposal of its court. No man is suffered to appear in a court and give evidence before being bound by the oath for which he feels most respect to tell the truth. There is on all hands the most earnest desire to maintain the honour, dignity, purity, and clear vision of the courts, and to keep falsehood outside them entirely. Though this desire is less completely fulfilled than could be wished, still the attempt meets with a very considerable measure of success. As

regards the execution of the court's orders outside, the police and bailiffs alike go about with the knowledge that wherever they go there are magistrates on the watch for any illegality, and that the public will not suffer it to escape unnoticed. A visit from the police or other executive official is indeed looked on with dread, because of the disgrace; but the dread is not of what the official may do, but of what the law itself may have to say.

Turning now to India, we find an entirely different state of things. Of all the safeguards and facilities that surround the law courts of Scotland, there are in India hardly any. We could not expect the same in India, because of the difference in the composition of the people. In Scotland, a nation, one in religion, race, manners, and wishes, whose will is the law, and its chosen servants the law courts; in India, a vast mass of people composed of various races, with various religions, nothing in common, with no will of their own, blindly serving the master whom fate has given them—a master obliged to enforce his own will by means of his his own servants.

The first defect to be noticed is the scarcity of "interpreters" of the law—of those who, as magistrates, are competent of their own will to set the law in motion. Nearly all the magis-

trates in Bengal are paid servants of the State, European or native. In some parts of India, owing to a difference in the revenue system, the magistrates are scattered more profusely; but in Bengal, with its seventy million inhabitants, there are only about 150 places where a man can go to a magistrate and apply for a summons or a warrant. A few persons scattered about the country have been, it is true, created honorary magistrates; but of these, few, if any, are intrusted with the power of issuing a summons or a warrant, and little use is made of them. Now the practical meaning of this state of things is, that any one who is wronged must make a journey of probably twenty miles before he can lay his grievance before a magistrate and get into communication with the State. The magistrate also, having to do with so vast an area, cannot be expected to be acquainted with the people or places he has to deal with, and his opportunity of acquiring knowledge of them is lessened by the fact that he is liable to transfer and is frequently moved out of one district into another. This state of things compels the magistrate to take precautions which would not be so necessary if magistrates were numerous, and if they knew their people. He must, in the first place, consider the time the limited number of courts have at their disposal, and discourage as far as

possible the less important complaints, in order that those of greater importance may have a chance of being attended to. Again, he must, before granting process, investigate the complaint to some extent, in order to ensure that the parties shall not be dragged so long a distance for trial without good cause. He has thus to do the work done in Scotland by the procurator-fiscal, without any of the facilities for it that that official has—he has neither the time, nor the local knowledge, nor the advantage of being on the spot.

He has to prevent, if he can, the court from being made a means of striking at an enemy, by means of false charges. This is a favourite weapon in the local warfare that so frequently goes on between landlord and tenants, or between faction and faction, and for reasons which we shall see later on, false accusers are not easy to detect, or to punish.

The necessary precautions which the magistrates in India have to take, owing to the scarcity of their own members, and of the members of the courts, are so many obstacles in the way of him who seeks for justice. The strong man, with plenty of local influence, seldom needs to appeal to the law, and is able to defend himself, if any venture to attack him. It is the weak and oppressed who need the aid of the law,

and only a small proportion of those among them that are wronged will venture to go a long journey on an errand which their opponents resent, leaving wife, family, and property exposed to injury from their opponents. Of those who might be willing so to venture, a great proportion are discouraged by the hedge of precaution which obstructs them, especially as the other side have probably despatched a hired accuser to go with the real accuser, and lay against him a false counter-charge. To the magistrate, ignorant of both, and of the country, one story is as good as the other, and one man, too, is as good as the other. The difficulty of getting into communication with the law is not merely the physical one of distance, or the difficulty raised by the magistrate himself, but also the jealousy felt by local despots, the landlords, faction leaders, and others, of an appeal to the law courts, which represent the State, for justice. The local despot claims among other prerogatives that of dispensing justice among the people over whom he claims rule, and resents any attempt to obtain it from another. This, then, is the first want, the want of magistrates. It is caused not by the reluctance or jealousy of the State, but by the feeling of the people, who have no wish to see the local despots vested with any powers beyond what they al-

ready have, fearing the use they would make of those powers.

The next want is the want of a public prosecutor. This is chiefly because the Indian system has been founded on that of England, in which the public prosecutor has no place. The result of this want is that, from the time when the magistrate sets the law in motion by consenting to issue process till the time when the parties and witnesses appear before the court for trial of the case, there is no trustworthy judicial authority who, on behalf of the State, has any means of knowing what evidence the prosecutor proposes to offer. When it is remembered that the interval that thus elapses is, owing to distances, scanty establishments, and pressure of work, seldom less than a week, and often nearer a month, we are able more fully to realise what opportunities are thus afforded for the preparation of false cases, tutoring of witnesses and fabrication of evidence on the one side, and on the other for the silencing of witnesses and suppression of evidence by means of bribes or threats, or other evil influences. There are exceptions to the statement that no judicial authority ever gets to know the evidence to be offered before the trial. The magistrate may, if he pleases, make a local inquiry, but that, on account of the distances and his other work, he can seldom do; or he may require the

prosecutor to bring his witnesses, but that in itself involves delay; or there is sometimes a preliminary inquiry by the police, who in this respect are *quasi* judicial officials. As will be shown more fully later on, however, the police are not trusted to be impartial, and have not that reputation for high character and strict probity which would win the confidence of the State and the people for their proceedings. The cases in which the magistrate makes a preliminary inquiry are few compared with the whole, and those taken up by the police are hardly exceptions. In the great mass of cases, the prosecutor, if rich and powerful, has full time to mature a conspiracy and arrange his false evidence, while, if a poor man, he finds his witnesses exposed to storms of threats or the warm influences of bribes, which few of them are able to withstand. As the rich seldom have occasion to appeal to the courts for protection, being as a rule able to protect themselves, and as the poor get their disputes with their poor neighbours settled in an easier and less costly manner, we find that an unduly large proportion of cases that come before the court are either totally false, or, when founded on fact, are bolstered up with exaggeration and falsehood, being brought from some other motive than the mere desire for justice. The man who desires revenge on an enemy; the

faction leader or landlord who wishes to break down a follower or ryot who is not submissive enough; the man who wishes to ruin his rival in business, or perhaps to get him out of the way for a time,—all these find the law courts with their powerful machinery, which any one may seize and handle, a convenient and efficient instrument for their purpose. The man of influence need not move himself. He can give the order, or pay a sum of money, and in the vast multitude of the population his followers can find scores of men who will take the character of prosecutor or witness, and prepare their case in the way their experience suggests to be most likely to catch the verdict of the court. While this is being done, out of sight and hearing of the court that is to try the case,—while the powerful and influential litigant is concocting his evidence or breaking down that of his weaker opponent, the State sits by without ear to hear, or hand to interpose, awaiting complacently the time when the contending parties with their respective forces, weaker or stronger, as this struggle of a week or a month leaves them, shall be marshalled before the court. In free England, where the public and the State are one, and the public, watchful and ubiquitous, is ready to spring forth and prevent any injustice or oppression, the absence of a public prosecutor may lead to no

great harm; but in India, where there is no public, and the State is the British nation, his absence strengthens the power of the oppressor to oppress by means of the law courts, and destroys the hope of the weak that he will get justice from them. We may follow up the subject of this want a little further, and point out the mischief it often causes during the trial of important cases, particularly cases of contempt, such as forgery, perjury, institution of false cases, and the like, where there is no one interested in the case except perhaps the State. Cases of this class, left to take care of themselves, are, for want of a public prosecutor, not unfrequently wrecked, and there is a failure of justice in the very cases where, if the law courts are to work at all, it ought never to fail.

The next want is the want of a sufficient number of duly qualified courts, near the people for whose use they are appointed. This may be almost inferred from the scarcity of magistrates, who compose the lower class of courts, the courts which dispose of the great bulk of ordinary criminal litigation. Owing to the want of confidence placed by the State, and by the people also, in the class of men who ordinarily in England compose the petty courts, practically the sole power of trying cases is vested in paid officers of the State. Most of these have other duties, which

occupy part of their time, and sometimes take them away from home; in these days of economy they are few in number for their work, each having about twice as much to do as he is able to do properly; and they are grouped round their headquarters, not spread over the country. The people have to come to them, for they do not, by going on circuit, bring the court nearer the people; and sometimes litigants have to follow them about as other duty takes them hither and thither, to the great increase of worry and expense. The magistrate is generally urged very hard by his master, the Government, to dispose of cases quickly, and allow no arrears to accumulate. It is the quick worker rather than the conscientious worker who gains praise; and the wonder is not great if, in such circumstances, the officer, tempted to seek for a reputation as a quick worker, comes really to believe that he has got at the marrow of the case long before he has. It is not that he comes to a decision before he is satisfied, but his frame of mind is such that he is satisfied after an imprudently short investigation; and so are the State and the appellate courts, and in fact all but the persons who know the real facts. It is the danger of law courts that they make so difficult the reconsideration of a faulty decision which is wrong on the facts. Once the facts are found, then the courts and the general public agree in concluding that they

must be as found because they have been found. In Scotland this conclusion is reasonable, because they are not found until after a careful and leisurely examination—first, on the spot, by the procurator-fiscal; and then, close to the spot, by a court consisting of respectable men with very great local knowledge, and plenty of time on their hands. In India the same conclusion is not reasonable, because there is the dark interval before the case comes for trial, when the evidence undergoes nobody knows what transformations, and then the case is tried by officials absolutely wanting in local knowledge, for the most part at a great distance from the spot, under severe pressure for time, and nauseated with the hundreds and thousands of similar cases they have already had to try in similar circumstances. If we are not persuaded of the correctness of the facts found, our confidence in the whole system of justice, however elaborate and good may be the law, must fail. And it is not too much to say that, in the matter of correct findings of facts, the reputation of our courts in India is not high. It is also obvious that when the courts are situated at a distance from the homes of the parties, great expense and trouble are caused by the journeys to and fro with witnesses, and by the adjournments and delays which over-pressure involves.

The next want is the want of lawyers.

This will cause a start to some readers, for it is commonly believed that the land swarms with lawyers. But although they swarm round the courts, the court centres are few, and there are no lawyers, as in Scotland, spread over the country. The lawyer in Scotland is a servant of the public; in India, he is a courtier of the judge or magistrate before whom he practises. With a few honourable exceptions, the lower ranks of the lawyers, like courtiers of despots everywhere, study, not the law of the land, but the personal disposition and weaknesses of the court, and the best means of taking advantage of them. In India the law is not the sacred thing that it is in Scotland—not the will of the people, but merely an expression of the will of the despot, with which the people have nothing to do; and if it can be successfully twisted in the direction he wishes, whether by trickery or by downright forgery or perjury, the petty lawyer is proud of his "smartness," and his reputation rises among his fellows and those of the people who take an interest in such matters. Every court is beset by men of this class, who make a study of the presiding officer, and ascertain as far as possible the working of his mind, with a view to adapting their cases to it. They are as ignorant as the court itself of the places and the people concerned, and yet have

the preparation of the case outside the court, as well as its conduct within. Each of these petty lawyers has his jackals outside, men as a rule absolutely without scruple, and innocent of law, but skilful in concocting false evidence and tutoring witnesses. The lawyer is under no discipline, for he belongs to no legal corporation; and British respect for the "independence of the bar" makes the discipline of the court, practically the only discipline under which he is held, of the loosest. Indeed, it would be a risk to give each judge or magistrate the full control which alone would enable him to keep up proper discipline. The discipline of public opinion is entirely absent. Into the hands of these lawyers or their jackals litigants are pretty sure to fall on their way to court, and with their witnesses appear before the court corrupted and tainted with the handling and preparation they have got on the way. In every case the court takes for granted that the evidence of both sides contains a reeking mass of perjury, and perhaps forgery, from which the truth has to be extracted if possible. Without a public, without a public prosecutor, without an honourable and trustworthy bar, without time or local knowledge, and jaded with overwork, the magistrate has, day after day, in the words of the poet-judge, to

"Dive in wells of perjury for truth."

Even in the only exception of any consequence to the rule that there is no preliminary inquiry —the exception, namely, when the police make an inquiry — the reputation of the police as manufacturers of perjury and falsehood is not much higher than that of the "jackals" above described.

The next want is of local knowledge on the part of the courts. There are two grades of officials in the courts—viz., the magistrates and the judges. The former have been already described as Government servants, appointed for many duties of which this is one. They are, unlike magistrates in Scotland, appointed to work in places, by preference, where they have no interests, and are even moved about from time to time in order to prevent their becoming entangled in local parties. The judges, with the exception of those of the High Court, are formed into services, the members of each branch of which are interchangeable. They are selected when young, and the judicial service is to them a career, in which they may look for promotion if they please their superiors. The moonsif or the judge, if he gives satisfaction, may hope for a post where he will get a good house, good society, a good climate, and not too hard work. If he fails to please, he may look for frequent transfers, which are costly and troublesome; unhealthy, in-

convenient, and out-of-the-way stations, and hard work. The judicial officer who wishes to make a reputation, seeks to improve his learning in the law, which tells with his superiors, rather than his knowledge of the people, which will be of no use to him when he is moved into a new sphere, as he may be any day. The judge enters the service with little experience, and is never in a position to gain much. He, like the magistrate, is generally remote from the spot; never goes on circuit; is a stranger to the country-side; and spends what little spare time and energy are left him after a long day's drudgery in studying the law reports and precedents, and preparing learned decisions. The subordinate officers look forward to promotion to higher posts; and the higher officers are occupied in correcting the law of the juniors, leaving facts to take care of themselves. There is no jury in India. There are, indeed, some districts in which what is called a jury is found for the trial of a few of the more heinous criminal charges. The jury, however, is made up of lawyers, landlords, and the like, gathered in from a great area, and having no more local knowledge of the people or the place concerned than the judge himself has. Instead of the judge going to the jury, the jury are brought to the judge. The consequence of this want of local knowledge is that the court, not knowing

what or whom to believe, becomes at once unduly credulous and unduly suspicious.

The next want is the want of prestige in the courts. It is notorious that, owing to the small pay of the judges, and the fact that they are selected young, the pick of the bar are not secured, and that the bar dominates the bench in most courts. The law courts are supposed to be intrusted with the task of enforcing the will of the State. When the court has passed an order, that order is enforced with the full strength of the State. But it is in very many cases believed, too often with justice, that there are pleaders at the bar who can get out of the court what decree they please. Now this, translated into plain English, just means that the British nation has favourite courtiers who can sway its will according to their pleasure. The allegiance due to the Crown is transferred to these favourites; and as they are avowedly open to be hired by the first comers, justice is thus put up for sale. Setting aside all questions of honesty, this is the natural consequence of having at the bar intellect stronger and experience greater than those on the bench. The master becomes a servant under another master, who is himself at the disposal of any one willing to pay his price.

It is sometimes said that there are well-paid

and strong judges, whose authority over their subordinates prevents the latter from being trifled with, and that the right of appeal enables any one who has suffered wrong to get his wrong righted. This notion is only a proof how low is the prestige of the courts. There are wrongs which a court of appeal cannot set right, without trying the whole case over again; and not even by so trying the case, for precious time has been lost, and the freshness of the evidence is past. An error in determining the facts of the case is one that can seldom be remedied; and in a country without a public and with shifting judges, where the court gets little or no help from juries, the difficulty of getting at the facts is very great. The task of determining the facts is generally placed on the shoulders of the weak and inferior class of judges; against their findings of fact an appeal is no safeguard; and on these foundations, too often rotten, the courts of appeal may build what stately judgments they will, but the judgment is condemned for its rotten foundation. The lawyers may not care. They value the able arguments, and in their eyes the facts are mere pegs for hanging the arguments on. Not so is it with the people; and if, as is too often the case, the result of all the battling, expense, and delay, bringing ruin, as

it often does, on one or both parties to the struggle, is to give credit to a lie, to destroy right, and enable wrong to flourish, the prestige of the courts with the people cannot but go down.

The prestige of the courts also suffers from their limited powers. In Christian Scotland it is deemed right, before a man is allowed to give evidence in court which may affect the rights of his fellows, that he should bind himself by the oath he considers most sacred to tell the truth, and the truth only. In Indian courts it is only the Christians that are so bound. We see Hindoos who would feel an obligation to tell the truth if sworn on Ganges water or a Bramin's feet, and Mussulmans who would similarly feel bound if sworn on the Koran; and yet they are suffered, after making a declaration for which they have no respect, to swear away the very lives of their fellow-creatures. Is it not a scandal that a witness should be challenged to take such an oath as every Christian is bound to take, and should be at liberty to give evidence after declining the challenge?

The next want is a trustworthy ministerial staff. In Scotland the clerk of the court is a man of position, whose pay is very little smaller than that of the presiding officer himself. This official has most responsible duties to do. He

has to take charge of all the documents, look after the court fees, receive and issue papers, and issue and take return of processes. For all these duties a man of high character and honesty is wanted. In India the clerk of the court gets hardly enough pay to secure the barely mechanical accomplishments of reading, writing, and ciphering. The consequence is that the court officials are commonly believed to be corrupt, capable of betraying their trust for a bribe, and only kept within bounds by the close supervision of the court. Thus to the judicial business of the judge is added a great deal of that business which in Scotland would fall on the clerical staff of the court, whereby the time and energy of the judge are wasted; and litigants are in the habit of paying as bribes large sums which may or may not find their way into the pockets of the ministerial staff of the court, but are certainly believed to go there. For doing their duty, for not doing it, for doing a wrong or for not doing it, bribes are given to or for men of this class very often. How they can make money it would take too long to describe here, but there are scores of ways in which they can, and, if not grossly slandered, frequently do.

The next want is of a trustworthy executive staff. The chief part of the executive staff of

the law is the police, and of a similar character are the process peons of the courts who, under the direct control of the courts, go out into the districts to execute warrants, attach goods, and serve summonses and notices. This will be a good place to consider shortly the police as they now are. We shall consider them as they are in Lower Bengal. One object which Lord Cornwallis had in view when he made the Permanent Settlement was that India might have a strong magistracy of prosperous and contented landlords who should manage the police. The mismanagement, incompetence, dishonesty, and oppression of the landlord police made it necessary to withdraw from them part of their powers, and all over the country there was established a system of darogahs, or, as we would call them, inspectors, under the direct control of Government district officers. The break-down of this system, darogahs being notoriously oppressive and corrupt, besides being, as a rule, incapable of keeping the peace, led to its abandonment after the Mutiny, when it was replaced by a new system of half-military police. The constitution of the new system has undergone from time to time considerable changes; and there are signs that it does not give satisfaction. Schemes for its reform are, even as we write, under consideration, and it would be useless to

discuss at present any but the most general questions.

On the side of the State the police have hitherto been supervised entirely by paid officers of the Government. They are of various grades, from the inspector-general, with his deputies, through district superintendents, inspectors, sub-inspectors, head and writer constables, down to plain constables. They have as duties the investigation of cases, the collection of intelligence, the prevention of crime, especially of breach of the peace and theft, inquiry in case of sudden death or accident, custody of lost property, watching bad characters, and other such duties, which involve their pervading the whole life of the country. Again, they have duties more purely of service to the State, such as furnishing guards and escorts, and prosecuting heavy criminal cases in court. They have a *quasi* military training, every officer and man being put through his drill and taught to shoot.

The district superintendent, as head police assistant to the district officer, has to look after an area of some 4000 square miles, with a population of about a million and a half. Communications being imperfect, his subordinate inspectors are spread out over the district, and each of them has charge of a group of stations, under sub-inspectors, many of which stations again have

outposts. As the stations have to serve areas of from 100 to 500 square miles, their work can only be done by spreading out the few constables allotted to each in beats. Except the centres in the district, sometimes only one, sometimes as many as four or five, where a case can be instituted by complaint before a magistrate, the only places where complaints of crime can be made are the stations or outposts. All the police, from district superintendents to ordinary constables, are members of a single centralised force, liable to be transferred, and frequently transferred from one part of the province to another.

On the side of the villages, again, there are a class of village watchmen, corresponding somewhat to the old village constables that existed in English villages before the days of the modern police. The watchmen were in old days the only persons whom the landlords had to do police duty, and they were, like their duties, of various classes. Some guarded the passes and roads, others the towns, and others the fields and villages. When the police work was taken from the landlords, the landlords managed to withdraw from the public service many of these, and get hold of their services or remuneration. The landlords, though still supposed to pay the village watchmen, gradually got rid of this burden, until it became necessary to pass a law for secur-

ing that the watchman should be paid by somebody. The duty of collecting and giving over to the watchman his pay was placed in the hands of a village board or punchayet, in the hope of creating a village supervising agency, and making the watchmen independent of the landlords. The village police are not yet in a satisfactory condition, their pay being neither sufficient nor punctually paid, and they themselves being considered not sufficiently independent of local influences or amenable to that of the State through its officers.

Now it may be taken for granted that, in order that we may have a thoroughly efficient system of police, the State police and the village police ought to work together and be knit together as parts of one body. A police officer, if asked how this is to be done, would say that the village watchman must be detached from the village and attached to the regular police, his wages collected and paid by them, and he should take his orders from them alone. In fact, he should form an additional tentacle, as it were, of the great octopus, by whose means it should be able to worm itself into every village of the land at once. To such a plan the chief and conclusive answer is that it might be the ideal for a police under a government of tyranny; but it is wholly opposed to freedom, and must therefore be put

aside. There is a further answer, that it would be too costly. The evil of the present system is that there are many underpaid, untrustworthy subordinates, many of them corrupt, oppressive, and intriguing, vested with large powers of annoyance, scattered in isolated positions over the land; and a very few overworked and ill-paid superiors over them who are, owing to distances, heavy duties, and the nature of the work, utterly unable to keep a proper check on them. They are an army of mercenaries without officers, and as such are a danger to the State; a dread to the people, in a land where there are no magistrates and no public to keep watch on them wherever they go.

Let us look at the difficulties of managing the police, even as they are. The rank and file are, owing to the scanty pay allowed, made up of dull and inefficient men without brains, who could not earn a living in ordinary lines of life,—and of smart men without scruples who make a profit out of their position and powers. The typical village is, say, ten miles from the nearest station, five from the nearest outpost, and twenty from the residence of the nearest magistrate. If a theft occurs in a villager's house, he has to call the village watchman and the landlord's agent. The watchman, with one of the household, goes off to inform the

nearest police officer, at the outpost or station. If the officer is, as he oftens is, absent on an inquiry, they have to hang about and await his return, or follow him till they find him. When at length he reaches the village all hope of detecting the thief is gone, and he and his constables have to be lodged and fed, and perhaps paid a fee besides. Finally, the case is reported to the authorities as true or false, as the officer may see fit, which often depends on the fee he gets. There is seldom any means of checking him.

If the officer makes an effort at detecting the thief, a hopeless effort in most cases, he begins by collecting together all those who have been convicted of theft before, and calling on them to trace out the thief, on pain of being suspected themselves. They are often subjected, unless rumour lies, to torture of various kinds, most certainly to the torture of moral anguish. In the opinion of many experienced magistrates, the consequences to a man of conviction as a thief, however trifling the offence, and however small the punishment, are serious out of all proportion to his guilt. His name is put in the black books of the police, and he is a bad character. Every time a theft occurs his house is searched, and he is called out to attend the police when they come into the neighbourhood, and to trace offenders on

pain of being accused himself. The ability of a police officer being measured by results, he must suppress reports of crime or get convictions, or his name will suffer. To follow the subject of bad characters a little further, we may note that a favourite form of revenge on an enemy is to get him convicted of a petty theft. He becomes a bad character for life, and he and his family are branded with the mark that makes them slaves to the police.

Again, when the case to be inquired into is one of rioting or murder, or some such crime, the police have a great chance. The officer deputed to inquire is a man on very low pay, sometimes as low as 20 rupees a-month, out of which he has to feed and dress himself, keep a pony, and probably a house and family and a number of poor relations. Where there has been a riot, each side generally accuses all the relatives, friends, and witnesses of the other side, and ample evidence is forthcoming in support of any view of the case which the officer may choose to take, for it is commonly a faction dispute in which the friends of each faction feel bound in honour to swear as may suit their own side. According as the favour of the officer falls on one side or on the other, the chance of proving the case is shifted, and his favour is thus a valuable commodity which, if not too

scrupulous, he may put up for sale. His power of arrest is also a means of annoyance to many, the threat of exercising which may extract from them liberal fees. At every step he is in a position to take money for exercising or for not exercising his legal powers. No man can tell when a police officer may not have opportunities of exercising his power over any man in the area over which he has control, and accordingly it is worth the while of all local men of position and means to pay the local police officer a regular monthly salary for the sake of securing his favour. If rumour does not belie them, the income of the subordinate police is much more largely made up of regular and occasional payments by subjects of the State than of the modest stipends doled out by the State itself.

The police have opportunities of plunder at other times than when engaged on the more serious business of inquiries into alleged crimes. It is their duty to inquire into cases of suicide or accidental death, and not at all difficult, if they set about it, to turn such a case into a murder, or a murder into suicide or accidental death. They have frequently to deal with property, and in the management of the village watchmen and of the bad characters they have no small gleanings. In the service of processes and the attachment of property they

have another source of income, which is shared by the bailiffs of the civil courts.

The work of the police is beset with difficulties which in Scotland or England can hardly be realised. The people either display a stolid indifference, caring nothing if the law is frustrated, the guilty escape, and the innocent are unjustly condemned, or they display the active interest of the faction, each man seeking to help his own side, and not sticking at perjury, forgery, false charges, bribes, threats, and all the usual faction weapons. A public taking an interest in the work of the police — a judicial interest which desires nothing but the triumph of justice, the punishment of the guilty, and the safety of the innocent — is not to be found.

The problem already before the authorities is how to keep in order these untrustworthy, low-paid, and isolated subordinates placed in positions of power and trust, without the aid of a public and an abundant supply of magistrates, by means of anything like the present scanty and overworked staff of officers. It is a problem which has never been faced in Britain, where the police are beset with eyes, ears, and hands able and ready to keep them in order, and most of the work which brings to them the greatest opportunities of oppression is done by other hands.

They cannot be disciplined by the fear of the law. A man suspected of malpractices is entitled to a trial before he is convicted or punished, and there must be evidence. If accusers are to come forward with charges, charges must be listened to and inquired into when brought, and to maintain a correct attitude towards the charges is as difficult as to row a straight course in the teeth of a strong wind. The least sign of discouragement prevents injured persons from coming forward; the least sign of credulity, and the conscientious police officer is overwhelmed with false accusations, the very fact of inquiring into which, whatever the result, paralyses his work. Tie police officers up as tightly as we may with rules and diaries and incessant reports, even till we make them useless for real work, we can never overcome their fatal advantage of isolation.

Seeing, then, all these difficulties, what can be the chief effect of adding to the body of subordinates which the district police officers already have the great body of village watchmen, numbering thousands in a district, without enormously strengthening the staff of supervising officers? It can but be to set free the subordinates more completely than they now are from all control by putting yet heavier work on their superiors. The police are under

a bad system, and unless the system can be changed, they will never be improved.

Thus an attempt has been made to point out the defects of law courts in India at the present day, defects which are serious and prevent the law courts from taking in India the same place that is taken by those in Scotland and England. The defects may be summed up by saying that there is no people in India as there is in England and Scotland, no body animated with the spirit and the life of the British nation in which the law court may take its place as a living member. The defects may be again enumerated shortly. They are want of (1) magistrates; (2) public prosecutor; (3) courts; (4) lawyers; (5) local knowledge in the courts; (6) prestige of courts; (7) trustworthy ministerial, and (8) executive staff. Because of these defects, justice is not made easy for the weak and the oppressed; and the courts, instead of being a terror to evil-doers, are instruments of oppression in their hands. Those who sincerely desire a settlement of disputes go elsewhere for it, and the court is to a large extent the arena where faction feuds are fought out, and the means by which men strike at their enemies. We shall come in the next chapter to a consideration how the defects can be remedied.

CHAPTER XII.

THE LAW COURTS—HOW THEIR DEFECTS CAN BE REMEDIED.

We have seen that the usefulness of the law courts is marred by various defects, the chief cause of which is that the British nation is attempting to carry out, without the co-operation of the people and in a poor country, a system which, to be successful, needs the co-operation of the people and a rich country. To get at the root of the evil we must begin by giving the physical and social relief suggested in former chapters; by endeavouring to organise in one united body, as already suggested, the State and the local authorities; and by reforming the law. If this work is done properly, we may hope to remedy many of the defects now seen in the law courts. There will no longer be that enormous mass of rent suits, with their accumulated costs, rendered necessary by the fact of the landlord dealing separately

with each ryot. When there are good communications all the year round, irrigation, and education, the usurer will not be so indispensable and so powerful as he now is, and it is to be hoped that the man of capital, ceasing from the perpetual effort he now makes to turn the ryot into a slave, will develop into the useful banker and the peaceful trader, serving instead of oppressing the ryots with whom he deals. The character of litigation will probably change, legitimate litigation, as it may be called, whose object is to settle the ostensible issues raised, taking the place of that whose object is to test or break the strength of resisting persons or factions.

Assuming that the changes above enumerated —viz., physical relief, social reform, the organisation of local authority, and reform of the law —have been adopted as part of the programme, and are in active operation (for all of these are as much essential to the improvement of the law courts as reform of the law courts itself), we may now go on to consider what changes can be made in the law courts for their benefit.

Having seen the various defects, we will consider as far as possible in the same order the various remedies which can be applied. The defects, for clearness, may be enumerated once more. They are want of (1) magistrates;

(2) public prosecutor; (3) courts; (4) lawyers; (5) local knowledge; (6) prestige; (7) trustworthy ministerial, and (8) executive staff. As regards want of magistrates, time being of the utmost importance in criminal cases especially, the number of magistrates should be multiplied to the utmost, so long as trustworthy persons can be found for the office. At present there are fewer magistrates empowered to receive complaints than courts to try them, whereas the proportion should be many magistrates for each court. If we can get over the difficulty of want of magistrates, we shall have the way opened past many other difficulties, such as the want of minor courts and the police difficulty. Now there are many persons at present in the employment of the State, who are, or ought to be, qualified to perform the duties of a magistrate, so far at least as issuing a summons or a warrant goes, and of whom no use is at present made for this purpose. These are the public servants in many departments, who are not vested with even the simplest powers of magistrates. Take, for instance, to give the broadest example, the whole of the civil courts. If a person goes to a minor civil court to demand redress for a criminal injury, the court must decline to listen to or record his complaint, and must refer him to some

qualified magistrate, living perhaps twenty miles off. This is a result of what is called the departmental system. There is a separate department of criminal justice, and the administration of criminal justice is the business of those who belong to this department, and of no one else. It is the caste system extending its sway over the State. Now in England and Scotland the law is the law or will of the people, who made it, who alter it when they choose, and who watch and control its administration. To enforce this law is the business of every member of the nation, and as many persons among the people as are fit for that part of the work of administering the law which is done by magistrates, are chosen from among the people and appointed to do it. As the law is the will of the whole nation, and not of this or that place, the persons are chosen by the State, and not elected by the people, except where the people of the place have special privileges; but they are chosen from among the people of the place, being the best known, most influential, and most fully trusted people of the place. Their interests are bound up with those of the place; their character depends on local public opinion; and the consequences of what they do come home to them, because they cannot escape by moving to other places.

Now just as the law in Scotland and England is the will of the British nation, so is the law in India the will of the British nation; but, instead of being present everywhere to watch the administration of its laws, the British nation is personally absent, and can only be present through its representative agents and servants. All the more need that every one of those agents and servants should be qualified to watch and control and help in the administration of the law. It is perhaps right that the various services, such as the army, the post-office, and so on, should be separate from one another, and under separate departments, but the administration of the law is a work in which all should aid to the best of their ability. For the work of a magistrate no special training is needed. He must have faith and honour; he must be staunch and a good business man. These qualities are necessary for all servants of Government, in whatever capacity employed, who are in positions of trust. Therefore every Government servant who is employed in an office of trust should be a magistrate. If he is not fit to be a magistrate, he is not fit for his other duties, whatever they may be. Here, then, is one source from which a great addition to the supply of magistrates can be obtained.

Another source has been indicated in a previous chapter, that on central and local government,

at the end of which a hint was given that local authorities could be used as agents of the State. The object of the British nation in raising up local authorities is assumed to be the spreading of its own spirit among the peoples of India—the development and strengthening among them of orderly local wills in harmony with its own. The persons who are to carry out the local will are the village heads, as representing the people, and those personally vested with office as respectable local men. They are to be, for the present, under the strict control of the district officer, who will be able to prevent their abuse of power. These will provide a very abundant, and, as the organisation of the people proceeds, an increasing supply of men corresponding, so far as the different conditions of the countries admit, with the classes from which magistrates in England and Scotland are chosen. By enlisting for the work of administering justice the two classes of men above described, we may count on obtaining every man in the country who is fit for it, and abundance of magistrates for all purposes. As regards the area within which powers of a magistrate should be given, the village headman's powers should be within his own union; the powers of punchayet heads and of personally selected men for the circuit area, and those of Government servants for the area in which their other duties

lie. It may be possible in the future to withdraw the powers of Government servants who wander about over large areas; but for the present, our object being to establish the ubiquity of the law and the unity of the State, having a single will, and many members acting together in one body, moved by that single will, it will be well to leave no one out. All these magistrates should centre on the district officer, who should be their head and master. Every one, therefore, who has an injury to be redressed, should be able to go to the nearest magistrate, never far from his home, and lay his complaint without any difficulty, or expense of time, trouble, and money, and the magistrate should hear his complaint and take such action as may be necessary.

The second defect is the want of a public prosecutor. Without touching on the question of superior courts, or of further proceedings in important cases, we may suggest that a magistrate who receives a complaint and issues process on it should take charge of the case himself, make inquiries, and attend with the parties and witnesses before the court that tries the case. It is possible that at some future time the local authorities may see their way to appoint public prosecutors who will be able to take this duty; but in the meantime the expense and the worry of so many of them as there must be to attend

locally to cases, make it out of the question for the district officer to appoint and control them. If the magistrate who issues the summons is made responsible for the case till the close of the trial, he will be all the more careful not to act without due caution. The labour thus thrown on the magistrate would not be great, since it should very rarely happen that in one union there is more than one case a-year. Each magistrate would thus have only perhaps half-a-dozen cases to deal with during his lifetime, and would, being in presence of his fellow-magistrates and the people of the neighbourhood, and having to answer for his conduct to the higher authorities, bring to his work the utmost care and interest. Where the nature of the case is such as to require more skilful handling, help can be sent by the district officer, who should have a staff strong enough to afford help where needed. The magistrate should, in the first instance, take up every case that has to come before the criminal courts, from the least to the greatest. Should all the local magistrates refuse to take up a case, it would be open to the aggrieved person to go to the district officer or one of his assistants, and seek redress. There should in no case, after a magistrate has decided to set the law in motion, be an interval when the conduct of the case is left in the hands of private persons, or of police officers who are not trusted.

The third defect noticed was the want of courts for the trial of cases, and the object is to find a sufficient number of courts, working at so many centres as to bring the courts near enough to the people, with sufficient time and skill and energy to try all cases thoroughly well. To attain this object, several changes are necessary. The first is the amalgamation of civil and criminal justice. At present, in most parts of the country, there are a certain number—the majority—of judicial officers, who are appointed solely for the trial of civil disputes, and who, although no other qualified officials may be within reach, are not even allowed to record a complaint in a criminal case; while, on the other hand, those who are empowered to try criminal cases are not allowed to try civil suits. There is no reason why paid judges should not, as in Scotland, be qualified to dispose of both civil and criminal suits. This one change, if effected, would vastly increase the number of centres at which trained judges sit, and bring the courts nearer the people. It would also enable the people to realise more clearly that justice is one, and not of several different qualities and kinds.

Another means of multiplying the number of paid judges is to require that each servant of the State who is of sufficiently high standing should be qualified by his knowledge of the law to act

as a judge, and should perform the duties of a judge when necessary. We shall discuss further on the effect such a measure will have on the quality of the work of the courts. Here it suffices to say that such a measure would make available a very great additional number of judges. A measure of this kind would, it need hardly be said, be exactly contrary to the existing practice, a practice which many desire to see pushed further as an advance in civilisation—that the judicial line of Government service should be separated more completely from all other lines, and that a man who is a judge should be only a judge and nothing besides. But let it be remembered that the law in India is not the law of the people, but the law of the British nation, and that it would be a pity if the law of the sovereign power—its will, according to which all work is done—were a mystery to any of its higher servants, and if any of them could say that it is no business of theirs. Every higher civil officer of the State, therefore, should be required to devote part of his time to the duties of the bench, and to qualify himself by reading and experience for those duties. Again, the law courts might be brought nearer to the people by a system of circuits, which, with the good roads that are to be, would be much easier to arrange. A court should be held at every circuit centre, and

the cases of each circle disposed of at its own centre. It might be possible still further to multiply the number of court centres, but this is all we would propose to do in the meantime in the way of bringing the courts to the people. It is a great step in advance, and we may well pause till it shall have been taken before suggesting what should be done next. The power of the courts at the circuit centres can be greatly strengthened by enlisting the help of the local magistrates in a way that will presently be pointed out.

The next defect pointed out was the want of lawyers. This, of course, is not a want that is so much in the power of the Government to make up as are some others. It is to be hoped that, with multiplication of courts, freedom of communication, increase of wealth, and the general improvement of the country, the lawyers will become less of courtiers and more of public servants. In the meantime, the courts should remember that the people of the land are poor and ignorant, and have very imperfect means of getting advice; and, remembering this, should act accordingly.

At present a person who desires to institute a case must appear with a written plaint if it be civil, or petition if it be criminal. Let us take the civil suit first. The plaint has been written,

and must be presented by a lawyer, who has his fee for the purpose. No doubt a court would hear a suitor who appeared in person, and persisted in refusing to employ a pleader; but, as a matter of fact, so little encouragement is given to this course that it is seldom followed. The lawyer who writes the plaint will see that there is a substantial cause of action, and their interest in the case going on offers great temptation for lawyers to so manipulate the plaint that it will make the case look more plausible than the facts warrant. When the plaintiff is illiterate, and the lawyer not rigidly scrupulous, this can be done so as to make it difficult afterwards to apportion the blame. The suitor also who has gone to the expense of paying a lawyer and paying the court fees of a case, will feel almost driven to go on in the hope of getting back his costs.

For the sake of saving suitors unnecessary expense, of getting at the truth of their claims, and of teaching them the great moral lesson that their claim, stated by their own unlettered lips, does not need to be put into shape by skilled hands before it can be understood, suitors should be required, before instituting their case, to appear before a court, or officer appointed for the purpose, and make a verbal statement on oath of all facts which, to the court or officer, may

seem relevant. Before the plaint is admitted, the court or officer must be satisfied that there is a proper cause of action, and certify to that effect. The suitor will then, before being committed to any expense, get clear and disinterested advice as to whether he should go on with the case or not. He ought not to be required at this stage of the case to pay any court fee. This is a service which, for its own credit, the State should render to its subjects free of all charge, or for a nominal charge only. The State would profit by the stoppage of many unreasonable suits which now go to trial, by the early record of a full statement of claim in cases which go on, and by the feeling of greater confidence and peace which would be given to the people at large by such an arrangement.

The additional work need not thus be very great, and it can still further be reduced by allowing the plaints to be filed before the smaller local courts, and, in suits triable by superior courts, forwarded to these afterwards. When it appears to a court that the plaintiff is able to understand his own interests, or that the claim is of so complicated a character as to need the treatment of a skilled lawyer, the court or officer can certify to that effect, and allow the case to go on in the usual way at the risk of the plaintiff. The statement of the plaintiff in case

a certificate is refused, with the reasons for refusal, should be forwarded to the superior courts for perusal, in order that no wrong interpretation of the law may go unchecked. As regards criminal cases, these have been already considered in discussing the question of magistrates. Even at the risk of crushing out a great proportion of the existing lawyers, a strong effort should be made to raise the standard of the bar. That is now, from various causes, not nearly high enough, and there is little doubt that it could be greatly improved. The discipline of the bar not being, as in England, exercised by great corporations like the Inns of Court, must be much more in the hands of the courts themselves. When the independence of the bar is talked of in England, the meaning is, that the control of the lawyers is vested in other authorities than the courts. When it is talked of in India, the meaning is that lawyers claim to be free from all control. This is bad, and should never be allowed.

The next defect pointed out was the want of local knowledge on the part of the court. The remedy for this is twofold, being in part localisation of officers, and in part the enlistment for judicial work of local men.

As regards the first, the reasons for transfer of officers are chiefly—(1) ill health; (2) miscon-

duct; (3) claims for promotion to a better post; (4) the necessity of relieving officers on leave; (5) the fear of an officer becoming narrow, owing to his staying too long in one place; (6) the fear of his forming local connections and becoming subject to local influences. It is to be remembered that in India, where the ruling power is not public opinion, but the opinion of the British nation, the State must exercise over its judges a more direct and constant control than is needed in England; and one means of exercising control, which has in the past been especially relied on, has always been the power of transfer. By the exercise of this power, the chances of a judge being affected by local influences are greatly reduced. In attempting to localise judges, whereby the power of transfer is to a certain extent given up, we must remember and guard against this danger.

The means proposed for localising judges without giving up effective control over them, or subjecting them too much to danger from local influences, is as follows: The judges should be grouped in centres, there being at each centre a strong bench of judges, with a competent and experienced chief at its head, appointed by Government for its management and control. All the judges at the centre, except the chief himself, should be appointed for that centre only,

and not liable to transfer elsewhere. There should be at the centre good court-houses, a library, and a bar. The records, accounts, and all the business of all the judges should be conducted by a strong joint-establishment. At this centre, all suits from the immediate neighbourhood, and all suits of great importance, should be tried; and from it the judges should go on circuit where their services are needed, and hold court at the various circuit centres. The advantages of such an arrangement over that now existing, whereby the country is divided into numerous districts and subdistricts, in each of which the judge or judges sit in one spot often alone, would be as follows:—

The judges would have a wider range of experience, seeing and hearing more, and being more under the influence of opinion and control than they are at present. This would dispose of the fifth and sixth reasons for transfer without causing any inconvenience to the people. Cases could be tried before a judge independent of local influences and yet acquainted with local circumstances. Local influences could be entirely prevented from affecting the courts by varying the officers deputed to the different circuits.

Being in a group, the judges could carry on the work when one is sick or absent on leave

without additional aid. This would dispose of the fourth cause of transfer.

In case of a judge suffering from ill health or being guilty of misconduct, when it is usual now to transfer elsewhere, it might still be permissible as a special case to order a transfer. No judge should be allowed to claim as a matter of right transfer to another group.

Thus all the ordinary reasons for transfer would be done away with by this arrangement, and no judge need ever, in the ordinary course, look for a transfer at all. A judge could then both settle down in a comfortable house, making arrangements for his family and affairs; and enter with zeal on a careful study of the history, places, and people of the circle in which he lived. The judges would, belonging to the circle, become acquainted with the people, and the people would come to know the judges, going round as they regularly would do on circuit. In addition to these, who may be called the special judges, there are the lay judges—that is, all the higher officers of the State—who are to give part of their time and attention to judicial work, and who, from their other duties, have considerable local knowledge.

Among the advantages of the grouping of judges, some of which will be noticed further on, not the least will be the improvement of the

bar which the substitution of a single large centre for many small centres will surely bring about, and the removal of that scandal to all right-thinking men, the sight of lonely, sickly, over-worked minor judges, living in hovels and dispensing justice in sheds. In their place would be groups of judges, comfortably settled, with the society which a large centre affords, and having at hand the resources of a good library and the advice and support of their brother judges, each of them from time to time issuing forth on circuit and bringing back to the common store a stock of information and experience.

As regards the enlistment for judicial work of local men, that would under this plan be possible too. The point of contact between the local and the State officials is the circuit centre. At the circuit centres there would be held courts for the trial of all cases except those which are tried at the headquarters of the judges. Cases should be divided into two classes—viz., ordinary and special. Ordinary cases are those that can be tried without the need of much learning or the exercise of great ability; special cases, which would form a comparatively small proportion of the whole, are those that need these. For the trial of special cases assizes should be held, attended by the regular judges. These assizes can be held, not at each circuit centre, but at

one for perhaps four or five such centres. Being held but seldom, perhaps twice or thrice in the year, these assizes can be attended by the local authorities—village heads and other magistrates, and all the State officials—of the various circuit centres; and out of these juries can be chosen for the trial of the cases, just as is done in England and Scotland. This periodical gathering of all the various authorities, local and State, executive and judicial, in honour of the law, the prevailing will in the country, would have in itself a powerful effect on the people, impressing them with a sense of the power and unity of the law—a reverence for it and a desire to uphold it which are not now felt. This great meeting of assize could also be taken advantage of to discuss any point in the customary law which, according to local opinion, needs to be dealt with.

For the ordinary cases a much simpler and less costly procedure should be followed. There should be at each circuit centre a petty session court, say once in two months, or as often as the business justifies, attended by one of the lay judges on behalf of the State. By lay judges are meant, as explained before, those officers of the State who, while employed on other duties, devote part of their time to those of the bench. At each petty session as many as possible of the local authorities should be present; and the

president, as he may be called, will then, after examining the file of cases, select by lot, or in any other just way, from among the magistrates present a sufficient number of benches, and to these benches will distribute the ordinary cases for trial. He will himself inquire, where inquiry is necessary, into such special cases as may have to go on to the assizes. His chief duty, however, is to sit while the various benches are at work on their cases, ready to give advice to such of them as may desire it, or to listen to any complaints against their work which any one may think proper to make, and investigate them on the spot. If difficulties arise in any case, he is there to adjust them. The great majority of disputes are such as any honest and impartial man, with business capacity, can settle. It is to be hoped that, with a number of benches simultaneously at work, in a central and public place, and under the eye of the State representative, a great mass of work can be got through with little delay or expense, and yet after a more thorough and intelligent examination of the facts than we can now get.

The clerical establishment needed under such a system would be very small. By popularising justice in this way, while giving effect, as formerly proposed, to common or customary law, we shall probably do a great deal towards stir-

ring up that public opinion which does so much in England, and is so much missed in India. If we once had that, some further modifications in the way of relaxing the control of the State might be possible.

The next defect of the law courts pointed out was want of prestige. The prestige of the courts depends very greatly on the manner of men who are appointed judges. At present the bar overtops the bench, with very few exceptions, and a way must be found for putting an end to this domination.

In the first place, the judicial office should cease to be a career to be entered on in youth, in which promotion and progress are to be looked for. It should rather be a goal, a prize for success in other careers. There must, of course, be varieties of posts according to the various kinds of work to be done; but on reaching the post of judge, a man should understand that he is not likely and has no claim to be moved either to another place or to another post. He has nothing more to look for; he need not worry himself about pleasing this man or offending that. It is beyond any man's power to forward or injure his career. His career is over.

Every judge should receive high pay, sufficient to attract from other careers those who have

had success in them. Not the men who have failed but those who have succeeded are wanted; men with fame, high character, and good prospects. They must be paid for, and are worth paying for.

The natural answer of an Englishman to the question where men suitable for the office of judge are to be got is "at the bar," where undoubtedly many good and suitable men are to be found. If the selection of men to sit on the bench were made from among the seniors instead of from among the juniors, and the terms offered were such as to attract the best of them, there is no doubt that good men would be got, and the tone of the whole bar greatly improved by the prospects of such high rewards for probity and ability. The bar already supplies a very large number of judges for the Indian bench, and might be relied on as a source of supply in the future. But those who would make the bar the sole source of supply cannot be aware of the wide difference between the bar of England and the bar in India.

The people of England are all one people; their religion is practically one; they are knit together in one body which moves and feels like one man. The bar of England is a member, an important member, of this body; and, like that of which it is a member, it is made up of mem-

bers who are practically one in race, language, religion, manners, and customs. No one is admitted into this body unless he has eaten his food with and lived among the other members for a certain time. The bar has its own government by its own chiefs, who watch over its honour, and punish those members who, by misconduct, compromise that honour. When a member of the bar becomes a judge, he does not cease to be a member of this great body. He is rather one of its most distinguished members, whose services are transferred from the judicial business of private individuals to that of the nation at large. The members of the bar are not, properly speaking, lawyers in the sense that they conduct lawsuits. That is done by solicitors or attorneys, who are not eligible for the office of the higher judges. They are rather colleagues of the judge, who, in order that he may remain during the inquiry entirely unbiassed and committed to no view of the evidence being laid before him, take in court, the one the evidence for the one side, and the other that for the other, each testing as far as possible that opposed to his own side, presenting all the arguments for his client and against his client's adversary. The members of the bar in England have one headquarters, where all practising barristers live, and whence they only

issue on business to accompany the judges who go on circuit, and to return with them. It is the same in Scotland and Ireland.

The barrister in England occasionally gives himself up to the study of dry law; but for the most part barristers mix freely with the people, and make it their business above all to know human nature. Knowledge of the law is but a small part of the armament which an English barrister has to be provided with. The duty of dealing with juries is so frequently laid upon him that there is nothing human which he can afford to disregard. In old times barristers were in the very front line, defending the liberties of the people, and to this day they take a leading part in politics. In fact they are an integral part of the living body of the nation, and are animated by its life.

Now the bar in India is not like this. There is, first, a want of unity in race, religion, feelings, manners, and customs. There would be still greater want of unity if the members of the bar more fully represented the peoples of India, so varied and so divided. Even as it is, drawn as they are from only a few of the less numerous castes, and chiefly from one or two only, they are split up hopelessly, and cannot form one body. They could not eat together, worship together, or intermarry.

Then they are not gathered at one head-quarters, but are scattered over the whole country in knots. Every court centre has its isolated bar, and the various knots of lawyers have little or no communication with one another. They do not form one corporation, and have no government or chiefs of their own, but are only a number of individuals enjoying the same privileges, not a living and self-disciplined body. As has been noticed before, they are satellites and courtiers of the courts, not mixing among the people or studying the people, but rather haunting the court and studying the personal peculiarities of the court. The main stimulus to the study of the people for an English barrister, the jury, is with them wanting.

They do not enjoy the advantage which English barristers have of going on circuit.

Even the bar of the High Court, the most exalted of all Indian courts, which, seated in one place, supervises the working of many courts over vast areas, suffers from the same defects. It is made up of still more diverse elements. The High Court has less original work than any ordinary district judge, its original jurisdiction being practically confined to the Presidency town where it sits. It never goes on circuit, and has not the opportunities which every judge

of the Supreme Courts in Britain has, of getting into touch with the people. The only means it has of gaining knowledge of the people greater than that which can be gained by any member of the general public, is through the appeals and applications which pour in on it from all parts of the country with reference to the proceedings of subordinate courts. Such knowledge is the knowledge of the pedant rather than of the practical man. The main occupation of the bar of the High Court, an occupation in which, through practice, they have acquired skill, is in arguing points of law, and in picking to pieces the work of other people. Of all the real and serious original work in the country, the trial of men for their lives, or of issues involving the most important interests, but a very small fraction is done by the judges of the High Court, and it seldom falls to the lot of either themselves or their bar to perform the duty of eliciting the facts and testing the evidence. Even in the courts of the district judges, next to the High Courts in dignity, the original work done bears but a small proportion to the whole of such work that is done. They too are mainly occupied with appellate work, and the unfortunate facts on which, after all, the whole case ought to turn, with the bar as with the bench, drop into a second place in interest, while all are striving to become

each more clever and learned in the law than his neighbours. Then the members of the bar in India are not so purely judicial and forensic in their functions as the English barrister, joining with their work at the bar the duties performed by solicitors in England.

Some of the differences mentioned above may in time be smoothed away, while others seem in the meantime not likely to be removed. Therefore, although there are at the bar many worthy men, and in the future it may be well to appoint largely from the bar to the bench, the bar in India must become a very different institution from what it now is before it can claim the exclusive privilege now enjoyed by the bar of England, of supplying from among its members the judges of the land.

The only other source of supply for the bench open to the State can be its own services. In the British nation, the sovereign power, the people, is present and active in all courts, and in the legislature, controlling the courts and even often doing their work. Through the juries, through the magistrates, through the judges and the bar, all its own members, animated by its spirit, and moved by its will, it expresses and executes its will. As the hand, foot, and head of a living man act naturally and without question according to his will, so does the whole

nation act in support of the law. There is no thought of conflict between the people at large and the law, for a law that was so in conflict would cease to be law. Now, the law in force in India being the will of the British nation, it does not follow as a matter of course that the law will receive support from the people. The people also, being politically dead, are incapable of giving support of any value to the law. They are not likely to oppose, but they are as little likely to support. They obey the law, not because it is their will, but because it is the will of their master the State, and the supporter and controller of the law courts in India is not the people but the State. The work of the law courts is only one of the many duties which have to be done for the State in India, and for doing those duties the State has many agents, who enter its service for the most part in their youth, and follow out their career in that service. Many of these agents rise to very high positions, and have duties requiring the utmost exertions of all the best qualities.

As we have already remarked, the policy that seems to be most popular at the present day is to make the judicial line, like every other, a department under Government; and to set apart for its work only a certain portion of the servants of the State. This policy we have already pro-

posed to reverse by requiring all the higher agents of the State to qualify for and perform as "lay judges" the duties of the bench. From among these "lay judges," some will develop a special taste and capacity for judicial work, and may, on reaching a mature age, when the mind is ripe and the body less active, be promoted to a position of ease and dignity on the bench as regular judges. By thus grappling together the executive services and the courts, the courts themselves will receive an immense addition to their prestige, which is being damaged by their separation from, and occasional open hostility with, the executive Government. It is a matter of the deepest moment that all departments of the State should show to the peoples of India that they are members of one living body, animated by one spirit, and directed by one strong will. The law courts are, from their very nature, bound to execute the will of others, not their own, and if the will be not that of the State, it is likely to become, as indeed it is already fast becoming, that of the lawyers. Mention has already been made of the "Vakeel ka Ráj," or reign of the lawyers, which has already begun in some parts of the country. When the State moves or stands idle obediently as it is ordered by the courts, and the courts are swayed by the lawyers —those favoured courtiers of the British nation,

—the prestige departs from the State and the courts, and passes to the lawyers. This would be followed by the destruction, not of the Government, for it is strong, but of the law courts, which fail to guard the honour of the ruler. To avoid such a result, the law courts must be strengthened to the utmost by bringing into them the flower not only of the bar, but also of the Government service, and uniting both by honourable ties as closely as may be with the British nation and its agent the Government in India. It may be objected that "lay" judges are only half lawyers. But so is the English barrister. A man who has devoted his whole time to the study and practice of the law may be a good lawyer, but is pretty sure to make a bad judge.

For some time to come at least, there must be in the law courts on the bench a strong British element. Natives need not be excluded, but the British control should not be given up. A native appointed to the bench is nearly sure to be a Hindoo or perhaps a Mussulman, and, if neither of these, is most likely an atheist. None of these hold the faith of the British nation, and none of them, separately or together, can be trusted without aid and control to carry out the will of the British nation. As things are, this aid and control must come through British officers from the

British nation. Some day, perhaps, there may arise a strong and enlightened public opinion, to which the control may be handed by the British nation; but till that arises, the control should be firmly held, and given up to no one.

The means suggested above for bringing the courts into closer contact with the people, and for enlisting the best of the people themselves, the work of the courts will, by providing a better method of ascertaining facts, protect the prestige of the courts from the ruin which must befall it if it fails in establishing the truth and overthrowing falsehood.

For the purpose of enabling the courts to cleanse themselves of the mass of perjury and fraud that surrounds them, it would seem necessary to give them a stronger grip of their own business. We may hope that when the courts are brought into closer touch with the people, and when the spirit of freedom is diffused more widely among the people, the admiration of intrigue, and the instinct of deceit, now so much met with, may die down. Two means of strengthening the hands of the court seem, however, to be available at once—viz., the oath, and punishment of perjurers.

As regards the oath, there seems no good reason why a Hindoo or a Mussulman should not, before giving evidence, be bound by the oath

which he considers most sacred, to tell the truth, just as much as a Christian, Chinaman, or Jew is. It is not as if the oath had no binding force, for frequently a party challenges his opponent to take the oath, and agrees to abide by what he says on oath, and it has happened that the person challenged has refused the test, though he would have gained by accepting it. Plainly, then, the oath is a restraint on falsehood in any one who is by religious faith a true Hindoo or Mussulman, and such men should be compelled to take it before they are allowed to give evidence.

As regards perjury, the difficulty of punishing the perjurer is notorious, and is a crying scandal in India. The absence of a religious oath is a cause why almost the only sanction by which witnesses are bound to tell the truth is the fear of punishment, and things are in such a state that there is very little of that left. The impunity enjoyed by perjurers is an immense encouragement to perjury. It seems a grave danger to the State that courts should habitually come to conclusions which cannot be correct unless half the witnesses have been guilty of downright lying, and be so sure of their conclusions as to inflict severe punishment on, award heavy damages against, or refuse redress to one of the parties, while the witnesses who deserved punishment as certainly

as the conclusions were right escape scot-free. Such a state of things, if it were not so serious, might well be described as ludicrous. There can be no injustice in the heavy measure of justice—if it is justice—meted out to one of the parties in a case being accompanied by a small summary punishment to those of the witnesses who, as sure as the finding of the court is right, are guilty of falsehood. It is true that every man ought to be tried for his own offence, and have a chance of disproving any offence charged against him. No man ought to be punished without a trial. But yet surely, when a court has investigated a set of facts, and come to a conclusion on the strength of which the State does not hesitate to put a man to death, or imprison him for life, or ruin him, there is no unfairness in fixing reproach on those witnesses whose evidence, if this conclusion is right, cannot have been honestly true, and must have been intentionally false, by inflicting on each of them a small but certain punishment. Such a course would immensely strengthen the public respect for and faith in the courts of justice. Perjurers could still be put on their trial, and punished severely in addition if convicted; but by the time the false witness has been formally made an accused, the burden of proof shifted, the old witnesses examined and

cross-examined, arguments heard and speeches made, what with delays, irregularities, and the difficulty of trusting fully any witness, the perjurer is nearly sure to escape in the end. Not one perjurer in a hundred is brought to trial, and of these not one in three is punished. Yet we convict and acquit merrily on this evidence, nearly all of it tainted. For the honour of the British nation a stop should be put to such a scandal.

Another cause by which the prestige of the courts is weakened is the number and frequency of appeals. The existence of the right of appeal is an apology for the existence of inferior and untrustworthy courts, which are cheap, and, it is fondly believed, owing to the possibility of this remedy, harmless. The right of appeal cannot exist without being accompanied by three great evils. The first is the power which it gives to a rich man to wear down a poor adversary; the second is where, as was recently pointed out during a debate in the Viceroy's legislative council, it is considered among the people a point of honour to exhaust every opportunity of appealing before giving up the contest, whereby the parties, one or both, ruin themselves to keep up their character among the neighbours; and the third is that less attention is paid and less importance given to facts

than, for the sake of justice, is safe. In the Indian courts, all the best judges and all the leaders of the bar are occupied the most of their time, as was pointed out before, in overhauling the work of others instead of in doing work of their own. Now there is no necessity that appeals should be allowed to so great an extent as they are. Things have drifted into such a state owing to the action and reaction of two evils—appeals and weak courts. Appeals were allowed, and then it was safe to have weak courts. We had weak courts, and then to prevent injustice the utmost latitude of appeal had to be given. We have proposed to do away with weak courts, to have every case tried in the first instance by courts competent to come to a correct decision upon them, and there seems in such circumstances no need of the present freedom to appeal. It would be enough to admit of appeals on points of law, especially from benches and lay judges, and these should take the form of a statement of case for orders drawn out by the court in consultation with the parties. There is no doubt that in a few cases the law courts would fail to do justice, just as a doctor sometimes treats his patients wrongly; but it is better that a few should suffer, rather than that the whole public should be exposed to the wrong arising out of undue

delay, difficulty, expense, and uncertainty which multiplication of appeals causes. Let the court be fitted by those qualities which all public servants need, honour, faith, staunchness, and good business capacity, and knowledge, for the trial of cases, and let its burden of work be so adjusted that it is able to bring to each case an unjaded mind, and plenty of time and care, and we shall see the need of appeals dwindle down to almost nothing.

One word more may be said about the effect on the prestige of a court which is exercised by the bar. There are in India two classes of lawyers, members of one of which are entitled, those of the other may be allowed, to practise in certain courts. Of the second class, the great majority are not fit to conduct cases, not having the requisite knowledge, skill, application, or character. Of the first class, those who are of any use are expensive, and beyond the reach of all but the rich. If a party to a case be able to engage a competent lawyer of the first class in a lower court, it will very seldom happen that his opponent can also afford to do this. The effort to bring in skilful lawyers on both sides will probably ruin nineteen out of twenty litigants; while, if there is a skilful lawyer on one side only, the result of the trial may be owing to the strength of the lawyer, and not, as it ought to

be, to the strength of the case. Therefore, all things considered, if the courts are duly qualified, there is more chance of justice being done if lawyers are entirely excluded from the lower—that is, the purely local—courts, than if they are admitted. Certainly this would be greatly conducive to economy in litigation, which in itself is a powerful aid to justice when the masses of those who seek justice are poor. If an exception be made in criminal cases on the ground of a public prosecutor being employed by the State, it would be incumbent on the State to bring to meet the lawyer for the defence an equally competent man to prosecute, so that impunity should not be made a mere matter of money. If the presence of lawyers be deemed necessary for the sake of justice in criminal cases, they are wanted on both sides, or on neither. It would be just, if they are needed, that the Crown should provide a lawyer at its own expense for the poor prisoner. We sometimes see a magistrate engaged a whole day, or perhaps more, with skilful lawyers in threshing out some comparatively trifling matter in which a rich man is concerned, and then turning to dispose without the help of lawyers of some matter of life and death concerning a poor man who cannot afford the lawyer's fee. If the lawyers do no good, they have wasted time; if they do good,

justice to the poor man is not so certain as it is to the rich. To the poor man imprisonment is more serious than to the rich, for his wife and children starve while he is shut up, and he comes out to find his home broken up and his life ruined.

The next defect noticed was the absence of a trustworthy ministerial staff. The system of courts proposed is all in favour of an improvement in the ministerial staff. With a court centre, where many judges sit together, there could be a common establishment in charge of the registers, records, stamps, accounts, library, processes, and correspondence, furnishing to each judge a bench clerk when wanted. At the head of this staff might be one or more confidential clerks, trustworthy and capable. As regards inferior courts, the lay judges have already a staff of clerks for their other duties, and a moderate addition to this would be ample; while, for the benches at the circle centres, the staff already employed to look after local business of every kind could be employed, with a moderate addition to its strength, for the occasional duties of the bench also. The permanent staff for all the circuit courts and benches, their record-room, registers, &c., could be left in one consolidated office at the district headquarters. It is not intended here to go into any details, but the

principle to be observed is that the clerical business of the regular courts should be looked after by trustworthy confidential men appointed for that duty only, and that of the occasional courts supervised by men of the same stamp; while the judges themselves are relieved of all those duties of this kind which now weigh heavily on them, taking up much of their time and energy.

The last defect noticed was the want of a trustworthy executive staff, and the special difficulties pointed out were—(1) the court messengers and lower-grade police who are isolated and yet cannot be trusted; and (2) the unsolved problem of bringing into harmonious working the local village police and the central police of the State. There is only one way in which, without extravagant expenditure on their own pay and a supervising staff, these isolated underlings can be kept out of mischief, and that is by removing them bodily. In this removal there would at least be one solid advantage, that men cannot do mischief unless they first exist, and by destroying this disreputable class of men we take an effectual means of nipping in the bud a vast amount of fraud, extortion, and corruption; of relieving all good subjects from a perpetual fear; and of saving to the State not only the actual cost of the men, which is considerable, and the loss of prestige caused by them, which

is great, but also the labour and brains of the few able and trustworthy officers whom it has, now wasted in vain efforts to keep out of mischief those "guardians of the peace" who have been placed under them.

But, it will be said, the police are indispensable to the State. On the police we have to depend for the performance of so many necessary duties that their removal would leave behind a state of chaos. We are now considering the highly centralised machine called the regular police, a modern invention, created since the Mutiny. It is framed on a sound and excellent theory, granted one condition, that the men can be trusted. It is worked on the principle, wholly inconsistent with this condition, that no man can be trusted. Confidence is being slowly withdrawn even from the local chiefs of police, the district superintendents; and from top to bottom there is an atmosphere of universal suspicion. We have a vast army engaged in watching one another.

The regular police get the credit of doing an immense number of duties; but of these, some are not done, some are done by others, and only a portion, not always a very large portion, is done by them. They do indeed cover much paper, and submit many reports and returns, but that does not always mean much work done by the State for the public.

The present proposal is not to remove the whole of the regular police, but to remove all those servants of the State, whether in the service of the police or of the civil courts, who are isolated and yet cannot be trusted. This class would include all the State police except those wanted for guards, escorts, and the like, from subinspectors downward, and all process-peons. The duties performed by these should be laid on the local people, and this can be managed by a slight expansion of the local village watch on the one side, and by a strengthening of the staff of good inspectors on the side of the State, so that the local police may work in harmony with the State. The work of investigation into cases, of keeping the peace, and other such important duties, can be done, as proposed above, by the magistrates, and these officials also can see to the service and return of all processes, the attachment and custody of property, and the arrest of prisoners.

But, it will be said, what if the local magistrates, as yet a non-existent body, should fail to do what is expected of them? We are going to try this experiment in the hope that it will succeed, not with the fear of failure upon us, and therefore the answer might well be given that as Cæsar burnt his boats, so will we stake all on success. But there is no need

of so heroic an attitude. A small addition to the local rate would provide means to have the neglected work done by paid officials, and the periodical explanation of this arrangement to the ratepayers would soon ripen their interest and form a public opinion on the matter, so that the neglect would not be permanent. Where the local magistrates were more public-spirited, they and the ratepayers would reap the benefit of their public spirit. Any one who knows how the people groan under the yoke of the leeches who now, under the auspices of the State, suck the blood of the country, will understand that the people everywhere would readily make large sacrifices to get rid of them. It is needless to say what a mass of prejudice against the law and ill-will to justice would be cleared away by the removal of these unworthy representatives of the State, and that in all probability the people would come forward with goodwill and zeal to aid the State in enforcing them. The great mass of the people are law-abiding. It is not their interest to see robbers and murderers, fraud and violence, flourish. But they have come to look with greater dread on the police than on the robbers themselves, and cannot love or respect the law, when they see how much injustice is done through the courts and through those intrusted with the execution

of the law. If we cleanse away the abuses of the law, we shall find as in England the people in India coming forward to help, and that is worth tenfold the strength of all the police we now have.

It is hardly so necessary for the object of this work to suggest plans for the reform of the higher ranks of the police; but it may not be out of place to repeat what has been already said, that the central department should give up the *rôle* of master over all the district police, which it has been gradually assuming, and in which it cannot be efficient. It should rather be content with being what it is better qualified to be,—an adviser, critic, and aid to supervision. It should have a central staff of thoroughly efficient officers, who can move about here and there as required. The police staff of the district officer again, with the exception of his superintendent, who should be movable, ought to be local to the district, and ought to consist of a sufficient number of well-paid inspectors. Transfers are now ordinarily made either because a man has failed, which is hard on the district he is going to, or because he has been a success, which is hard on the district he is leaving. A failure should be got rid of, not retained; and he would be cheaply got rid of even if paid a handsome gratuity on leaving. A successful officer should

be able to have his reward without leaving his own district. To give these district officers a motive for zeal, the select staff of the central department might be recruited from them. The officers of the district police should be local, because that which is most needed in them is local knowledge—of people and places, history and circumstances—and such local knowledge can only be gained by staying in one district.

We have now considered the various defects in the law courts, and in what way they can best be remedied.

We need not be careful to discuss whether on the balance the ostensible cost of the new system would be greater or less than that of the system we now have, for the question is hardly at all one of mere cost. The claim made for the new system is, that it will greatly reduce to the people the cost of the law courts in mere money; and, better still, by removing many troubles and causes of fear, give them peace and comfort such as they have not now. and in the past never have had.

CHAPTER XIII.

CONCLUSION.

THE great difficulty in writing about things Indian is to know where to stop and when to be silent. We have traversed in these few pages a great deal of ground, and at every step tempting by-paths have presented themselves, down any of which we might easily have wandered and been lost. Only by steadily keeping in view the object proposed at the beginning could even so much progress as has been made be attained. It may not be out of place here at the end to summarise the object and meaning of the book. The reader may easily fasten on errors, on shortcomings, on proofs of ignorance and inexperience; but we would ask him rather if there is nothing worth knowing, remembering, and acting on. This book is offered, not as the last word to a controversy in which all is said that can be said, but rather as a con-

tribution which may lead men to think, and may induce fertile minds to produce thoughts that will be of use.

The origin of this book in the author's mind was the undoubted fact, proved to him by many years' experience, that his countrymen are divided into two sections, one of which seem to think that India is another Britain, but for British rule, and that all it needs in order to become free and prosperous is to be given up to its own inhabitants; while the other section seem to think that the relation of master and slave is the only one that can be looked for between the British nation and the peoples of India. Most of his countrymen, of course, do not think much on the subject at all, but swallow quietly what is given to them by the statesmen and politicians they trust. Great danger arises to the work of the British nation in India from this state of things, because statesmen and politicians in England belong to opposing parties. When one party takes one view of an Indian question, the other will, almost as a matter of course, take the other. Information in England about India is not abundant, or at least is not sought for and acquired; and any one who adopts any view whatever will find it easy to fortify his opinion with evidence that will satisfy him. There is

an increasing tendeney to discuss Indian affairs in the spirit of party politics; and it is to be feared that if this tendency be not checked, the true interests of India will be lost sight of.

In the minds of the two classes of politicians, the advocates, as they may be called, of freedom and those of order, there is a common conviction that the British nation has a work to do in India. When we come to consider what is the object of that work, we find that the wish of the former is not so much to give up the country to its own inhabitants as to make its people free and prosperous; and the giving-up is advocated only as being the best means to that end. On the other hand, the strongest argument urged by the second class is not that the relation of master and slave is the best possible relation, but that the condition of slave is the only one the peoples of India are fit for, and they are never likely to get so good a master as the British nation.

We have endeavoured to draw off attention from the various flags and shibboleths around which the battle between the two parties has been for some time raging, and concentrate it rather on the cause common to both. Is there any need of fighting at all, when we have a common cause at heart? All the great parties in the British nation unite in declaring the aim

of their policy to be the freedom and prosperity, in the highest sense of the word, of the peoples of India. We began by assuming this declared policy to be genuine, and their wish to give it effect a genuine wish. For the consideration of those who think that the only hindrance to the freedom and prosperity of the peoples of India is the presence of the British nation, a short sketch of the main points of difference between the peoples of India and the British nation has been given. This has been followed by an attempt to define the functions of the Government, because there appear to be among the most ardent advocates of freedom some who have extravagant ideas of the power of the State to carry out its will. It can restrain and it can remove restraint, but it cannot do much itself. Its power is rather negative and indirect than positive and direct. We come next to a consideration of those bonds which, independently of the British rule, hold the peoples of India and are an obstacle in the way of their peace and prosperity. This is followed by a short account of the position of the British nation in India, and the attitude it should, as ruler, assume towards the peoples of India with a view to advancing the cause it has at heart. Practical proposals are next made for the relief of the people from the various bonds

by which they are held captive. We next come to a consideration of the best way to take into partnership the people of the country in the actual work of governing. This is to be done, not by taking on individual members of the communities as servants of the Crown, but rather by drawing in and upwards the hands of the Government—that is, the interference of its servants—and by drawing out and developing the will-power of the people, and enabling them through their own chiefs more and more to carry out their own will. This brings us to the law, or binding will, of the country, and suggestions are made with a view to making this simpler, more certain, juster, and easier to obey. A plea is put in for the common or customary law, which has suffered somewhat from neglect, and from having been tampered with.

The concluding part of the book is given to a consideration of the means by which the law is given effect to. The chief defects from which they suffer are first pointed out; and it is to be hoped that those who attributed to the opposition of Europeans in India to the Ilbert Bill the unworthy motive of wishing to screen criminals and secure impunity for crime, may find food for reflection in the contemplation of some of the defects. An attempt has finally been made to point out the best way of making good the

defects, and rendering the law courts more worthy of respect than they now are.

This book, if it has answered its purpose, has given to the advocates of freedom reason to think that, whatever may be the case in the future, the peoples of India are not yet ready for advanced reforms; while the advocates of order will see that the chance of those peoples one day becoming fit for a less despotic form of government is by no means hopeless.

The practical proposals which are made are not the fruit of imagination, coming of mere theory. To the author's knowledge, all of them have been advocated by responsible officials in India, and a great proportion have reached the stage of experiment. With these parting words, we leave the book to speak for itself.



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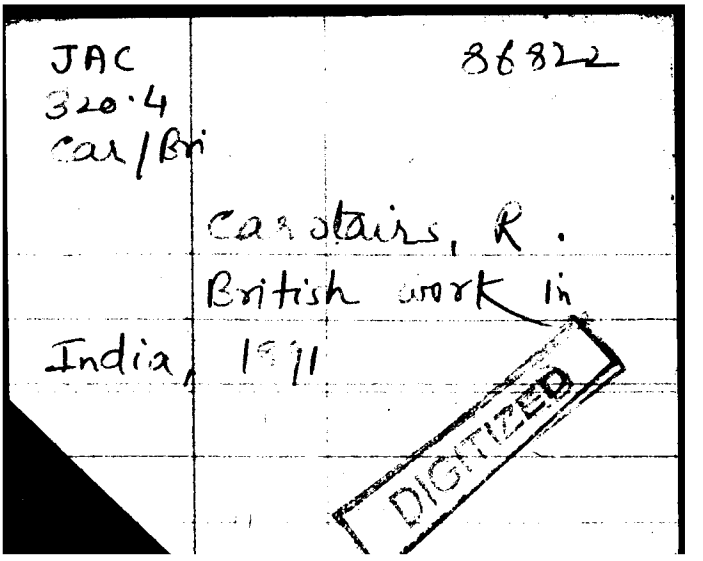
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